

IN THE UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF VIRGINIA
 ROANOKE DIVISION

 BRANDON LESTER,)
)
 Plaintiff)
 -vs-) CIVIL ACTION
) NO. 7:15-cv-00665-GEC
 SMC TRANSPORT, LLC,)
 ISRAEL MARTINEZ, JR.,)
 and)
 SALINAS EXPRESS, LLC,)
)
 Defendants)

DEPOSITION OF BRANDON C. LESTER

DATE: April 11, 2016 (Wednesday)
 TIME: 10:00 a.m.
 LOCATION: Glenn Robinson & Cathey
 Fulton Motor Lofts
 400 Salem Avenue, S.W.
 Suite 100
 Roanoke, Virginia
 REPORTED BY: Mary J. Butenschoen, RPR, #4952
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E X H I B I T S

(Retained by Counsel.)

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P R O C E E D I N G S

Whereupon,

THE VIDEOGRAPHER: I am Danielle Dillon,
your videographer, and I represent A+ Court
Reporter & Video in Roanoke, Virginia. The date
is April 7 -- sorry, April 11, 2016. The time
is 9:59 a.m.

This deposition is taking place at Glenn
Robinson & Cathey. This is Case Number
715-CV-00665-GEC entitled Brandon Lester versus
MSC [sic] Transport LLC, Israel Martinez, Jr.,
and Salinas Express, LLC. The deponent is
Brandon Clark Lester.

This deposition is being taken on behalf
of the plaintiff. Your court reporter is Mary
Butenschoen from A+ Court Reporting and Video.
Will the attorneys please introduce themselves.

MS. ROBINSON: Melissa Robinson here for
Brandon Lester.

MS. WHITE: Johneal White here for
Brandon Lester.

MR. FRANKL: Dan Frankl here for Salinas
Express.

MR. HEARN: David Hearn. I represent

1 Isreal Martinez, Jr.

2 MR. DUNN: Lawrence Dunn. I represent
3 SMC Transport, LLC.

4 THE VIDEOGRAPHER: The witness may be
5 sworn in now.

6 BRANDON C. LESTER
7 after having first been duly sworn to tell the truth, the
8 whole truth, and nothing but the truth, was examined and
9 testified as follows:

10 THE VIDEOGRAPHER: On the record at
11 10:01.

12 EXAMINATION

13 BY MR. FRANKL:

14 Q Brandon, my name is Dan Frankl, and as
15 you just heard I represent Salinas Express, LLC, and I'm
16 going to ask you some questions about your background and
17 history and employment and the accident that took place
18 back on October 26 of 2015.

19 If you don't hear a question or
20 understand a question, please ask me to repeat it or
21 rephrase it, and I'll be glad to do so. If you answer a
22 question it will be assumed that you both heard it and
23 that you understood it.

24 Because this is being taken down by a

1 court reporter, if you could answer verbally rather than
2 with a nod of the head.

3 A Yes, sir.

4 Q And if you could say yes or no rather
5 than uh-huh or huh-uh it will make their job a lot easier.

6 A Yes.

7 Q Do you understand?

8 A Yes, sir.

9 Q Okay. Throughout the course of this
10 deposition if at any time you need to take a break for any
11 reason just let us know and we'll be glad to stop the
12 deposition and let you take a break.

13 A Yes, sir.

14 Q The only thing that we ask is that you
15 don't do that if a question is pending. So if we ask you
16 a question, don't say I want to take a break at that point
17 in time. Wait until you answer the question and then
18 we'll come back.

19 A Yes, sir.

20 Q Okay?

21 A Yes, sir.

22 Q All right. And what is your full name?

23 A Brandon Clark Lester.

24 Q And your date of birth?

1 A July 22, 1992.

2 Q And what are the last four digits of your
3 Social Security number?

4 A 7231.

5 Q Okay. I believe in the answers to
6 interrogatories it says 7281, but -- so it is 7231.

7 A Yes, sir.

8 Q Okay. Brandon, let me ask you, are you
9 currently taking any medications?

10 A Yes, sir.

11 Q What medications are you taking at this
12 time?

13 A Prozac.

14 Q Is that it?

15 A Yes, sir.

16 Q No other pain medications or anything
17 else?

18 A No, sir.

19 Q All right. And when did you last take
20 the Prozac?

21 A This morning.

22 Q At what time, approximately?

23 A 8 o'clock.

24 Q All right. And does Prozac have any side

1 effect that it interferes with your ability to remember?

2 A No, sir.

3 Q Prior to today's deposition have you
4 reviewed any documents about the accident or this set of
5 circumstances?

6 A Yes, sir.

7 Q What documents did you review?

8 A I looked at pictures.

9 Q Pictures. Just photographs?

10 A Yes, sir.

11 Q Okay. And what is your current address?

12 A 177 Long Branch Lane.

13 Q All right. And who do you -- and that's
14 in Lexington?

15 A Yes, sir.

16 Q And what's the zip there?

17 A I don't know, sir.

18 Q All right.

19 MR. DUNN: I'm sorry to interrupt you. I
20 didn't hear that. 177 what?

21 THE WITNESS: Long Branch Lane.

22 BY MR. FRANKL:

23 Q Is it 277 Long Branch?

24 A Yeah, 277, sorry.

1 Q Okay. 277 Long Branch Lane in Lexington,
2 Virginia.

3 A That's right.

4 Q And who do you live with at that address?

5 A Kenny Sloan.

6 Q I'm sorry?

7 A Kenny Sloan.

8 Q Can you spell that for me?

9 A K-E-N-N-Y. S-L-O-A-N.

10 Q All right. And who is Kenny Sloan?

11 A A friend.

12 Q And how old is Kenny?

13 A 42, I think.

14 Q And does anyone else live at the
15 residence?

16 A His daughter, Tiffany Sloan, and his son,
17 Christopher Sloan.

18 Q And how old is Tiffany?

19 A 15.

20 Q And how old is Christopher?

21 A 17.

22 Q And do you have any blood or marriage
23 relationship with Kenny Sloan?

24 A No, sir.

1 Q And he just -- just as a friend.

2 A A long-time friend.

3 Q Okay. How did you first meet him?

4 A I've known him for years.

5 Q Well, you are 23?

6 A Yes, sir.

7 Q Do you remember the first time you met
8 Kenny?

9 A He was friends with my grandfather. We
10 hunted with him for years. He lives in the same town I
11 live in.

12 Q So you had a lot of activity and contact
13 with him prior to this accident?

14 A Yes, sir.

15 Q Okay. And I understand your grandfather
16 is no longer with us?

17 A Yes, sir.

18 Q And what was his name?

19 A Junior Clark.

20 Q And when did he pass?

21 A March 28, 2010.

22 Q Between the date of this accident and
23 today, have you lived anywhere else besides 277 Long
24 Branch Lane in Lexington?

1 A My grandmother's house.

2 Q Okay. At the time of the accident you
3 were living with your grandmother?

4 A Yes.

5 Q All right. And that would have been
6 Junior Clark's wife?

7 A Yes.

8 Q All right. And what is her name?

9 A Elsie Clark.

10 Q And is her address the 177 Kessler Lane
11 in Buchanan?

12 A Yes, sir.

13 Q All right. And how long had you lived at
14 the Kessler Lane address prior to this accident?

15 A They raised me, so all my life.

16 Q Raised you --

17 A From a kid up.

18 Q Do you recall when you first went to live
19 with your grandmother?

20 A Well, my mother used to live with them,
21 so I've always lived there.

22 Q So that was the only address you lived
23 in, as far as you're aware of, from the time of your birth
24 until the time of this accident?

1 A Yes, sir.

2 Q And what is your mother's name?

3 A Teresa Clark.

4 Q And your father's name?

5 A I don't know. I have never met him.

6 Q How is it that your last name is Lester?

7 A A guy that she married adopted me.

8 Q All right. And so your mother never
9 married your father?

10 A No. She does not know who my father is.

11 Q She doesn't know.

12 A No.

13 Q Okay. With regard to your stepfather,
14 what is his name?

15 A Ronnie Lester.

16 Q Ronnie Lester?

17 A We've never had a good relationship and
18 I've never wanted to be around him.

19 Q Did he live with you and your mother at
20 your grandmother's house when you were --

21 A No, he had his own house. They tried to
22 take me up there and it didn't work, so my grandfather
23 took me back to his house. I never even lived with him.
24 I was up there for a few days and it wasn't working, so my

1 grandfather took me back.

2 Q Do you know when your mother --

3 A I was like four years old when that took
4 place, when I was adopted.

5 Q Do you know when your mother married
6 Ronnie Lester?

7 A Approximately when I was about four years
8 old.

9 Q Okay. So you're thinking sometime in the
10 1996 time period?

11 A Somewhere there.

12 Q Okay. And if I understand it, other than
13 maybe a few days when you went up to --

14 A I never really lived there. Like I
15 stayed there a couple days here and there but I never
16 really lived there. I've always lived at my
17 grandmother's.

18 Q Did your mother after she married Ronnie
19 go move in --

20 A She lives there now, yeah. She moved in
21 with him. And then that's when my grandfather just
22 took -- just raised me.

23 Q And do you know what the address of
24 Ronnie Lester's home is?

1 A It's something Narrow Passage Road.

2 Q Passage?

3 A Narrow Passage Road in Eagle Rock, but I
4 don't know the number.

5 Q Narrow Passage Road?

6 A Eagle Rock --

7 Q Eagle Rock.

8 A -- but I don't know the number.

9 Q How much contact do you -- or did you
10 have with your mother during the years --

11 A We haven't spoke in seven years up until
12 the accident, she spoke to me a couple times, and then she
13 didn't even speak to me much afterwards.

14 Q I need you to slow down a little bit.
15 You said you haven't spoken to her in the last seven
16 years?

17 A About seven years.

18 Q Okay. And seven years ago what contact
19 did you have?

20 A Very little.

21 Q But what precipitated the -- was there an
22 event that you two had, an argument or fight that --

23 A Ronnie keeps her at the house.

24 Q Okay. Let me just stop you for just a

1 second. You are going to have to let me complete my
2 question --

3 A Okay.

4 Q -- before you try to answer it. And I
5 understand you're trying to be helpful, but let me get my
6 full question out, and it will allow the court reporter to
7 take down the question and then your answer.

8 A Yes, sir.

9 Q Okay. Was there an event that happened
10 seven years ago that precipitated or caused the two of you
11 not to speak with one another in the last seven years?

12 A I just quit talking to her. Ronnie keeps
13 her at the house. He won't let her go nowhere. He won't
14 even let her go to her mom's -- her mom's house, and I
15 just kind of faded away. He wouldn't even let her come to
16 the hospital when I was in the hospital for my wreck.

17 MS. ROBINSON: Again, just answer what he
18 asks. Don't volunteer additional information.

19 THE WITNESS: Okay.

20 BY MR. FRANKL:

21 Q What is your relationship with your
22 mother now, other than the fact that you haven't had
23 contact with her?

24 A I don't have a relationship with her.

1 Q Has she seen you since this accident?

2 A No, sir.

3 Q Has Ronnie Lester come to see you since
4 the accident?

5 A No, sir.

6 Q Why did you change living with your
7 grandmother to now living with Kenny Sloan after this
8 accident?

9 A My grandmother is 88 years old. After I
10 got out from my surgery I needed help taking showers and
11 stuff, and she wasn't able to take care of me, help me
12 with my back brace. And Kenny Sloan is disabled, he
13 stayed at home, and he was able to help me.

14 Q Kenny is disabled?

15 A He was injured in a logging accident.

16 Q And what type of disability does he have?

17 A He has a back injury. I don't know full
18 detail. I just know that he does not work.

19 Q Is he able to walk around on his own?

20 A Yeah.

21 Q Okay. So he's not in a wheelchair --

22 A No.

23 Q -- or using a walker or cane or anything.

24 A No.

1 Q Okay. Other than your mother and Ronnie
2 Lester and your grandmother, do you have any other family,
3 brothers, sisters, aunts, and uncles?

4 A I have a brother I've never seen by
5 Ronnie. I have a sister I've seen a couple times.

6 Q And are they both Ronnie's children?

7 A To my knowledge.

8 Q Okay. And what is your brother's name?

9 A Chase.

10 Q Chase Lester?

11 A To my knowledge.

12 Q And do you know where he lives?

13 A He lives with them.

14 Q At Eagle Rock?

15 A Yes.

16 Q Do you know what he does for a living?

17 A He's like five years old.

18 Q Okay. What about your sister? What's
19 her name?

20 A Amber.

21 Q And how old is Amber?

22 A I believe 17.

23 Q And is she in school?

24 A I'm pretty sure she's in her senior year.

1 Q At what school?

2 A I think James River. I've not spoke to
3 her in years.

4 Q And what does Ronnie Lester do for work?

5 A Nothing.

6 Q Is he disabled?

7 A All that I know is he does not work.

8 Q Doesn't work. What about your mother?
9 Does she work outside the home?

10 A She works inside the home for HSN, to my
11 knowledge.

12 Q Do you know what she does for Home
13 Shopping Network?

14 A She works on the computer. I think she
15 answers the phone or something.

16 Q So are you related by blood or marriage
17 to anyone else, other than the individuals that we've
18 talked about?

19 A Not to my knowledge.

20 Q Growing up in Buchanan, where did you go
21 to grade school?

22 A I went to school in Eagle Rock.

23 Q At Eagle Rock?

24 A Yeah. My grandfather took me up there

1 because I started out there and that's where I continued.

2 Q So what was the name?

3 A Eagle Rock Elementary.

4 Q Okay. And is that like a first through
5 sixth or something?

6 A It's like kindergarten through fifth, I
7 think.

8 Q Okay. K through 5. And where did you go
9 to school after that?

10 A Central Academy Middle School.

11 Q I'm sorry?

12 A Central Academy Middle School.

13 Q And where is that located?

14 A Fincastle.

15 MR. DUNN: I'm sorry, I didn't catch
16 that. What academy? What was that?

17 THE WITNESS: Central Academy.

18 MR. DUNN: Central.

19 BY MR. FRANKL:

20 Q And that was sixth through --

21 A Eighth, I think.

22 Q Sixth through eighth. All right. And
23 then where did you go to school after that?

24 A James River.

1 Q And you graduated in what year?

2 A 2010.

3 Q 2010. Did you repeat any grades?

4 A No, sir.

5 Q And does James River have different
6 levels of diplomas for graduating?

7 A I got a standard diploma.

8 Q Standard diploma. Were you ever
9 suspended from school for any reason?

10 A Not to my knowledge.

11 Q Who were your best friends in high
12 school?

13 A Nobody.

14 Q Didn't have any close friends?

15 A No.

16 Q Was there any specific reason why you
17 didn't have a group of friends?

18 A Because my grandfather was all that I
19 needed. I went to school and come home.

20 Q What did your grandfather do for a
21 living?

22 A He worked at Roanoke Cement plant.

23 Q Roanoke Cement?

24 A Yeah.

1 Q And did he retire from that at some point
2 in time?

3 A He was injured. I think they have --
4 there was something. He was injured and he got disabled
5 and he retired as well, I think, but that's the last place
6 I know he worked at.

7 Q So did he take you to and from school all
8 the way from Eagle Rock Elementary until you were able to
9 get your driver's license?

10 A Eagle Rock -- when I started Central
11 Academy Middle School, I rode the bus because Central
12 Academy Middle School is for -- everybody in Botetourt
13 County goes to that same school.

14 Q All right. And when did you get your
15 driver's license?

16 A After I completed high school when I
17 turned 19.

18 Q Did you take a driver -- driving course
19 while you were in school?

20 A No, sir. I just waited until I turned
21 19.

22 Q And is there any specific reason why you
23 didn't take the driving course and get your license prior
24 to graduating?

1 A I just didn't take it. I wasn't
2 interested in driving at the time.

3 Q When you took the test at the DMV to get
4 your driver's license, did you pass it the first time?

5 A I'm very sure I did.

6 Q What type of student were you in school?

7 A I mean, I went to school.

8 Q A student --

9 A No.

10 Q -- B student, C student?

11 A I passed. I didn't make the best grades.
12 I passed.

13 Q Okay. Did you have any like one area in
14 school that was your best subject versus another?

15 A Not really. School wasn't really my
16 thing.

17 Q What were you interested in rather than
18 school?

19 A Going fishing.

20 Q Since you've graduated from high school
21 in 2010 -- I assume it was around June --

22 A Yes, sir.

23 Q -- have you taken any additional
24 education, trade schools, or --

1 A No, sir.

2 Q Were you employed at all during the time
3 you were going to school?

4 A No, sir.

5 Q Okay. After you graduated what was the
6 first job you got starting in 2010?

7 A Mohawk.

8 Q Were you working directly for Mohawk?

9 A Yes. I wasn't working with them in 2010.
10 I was working for them in like 2012. I didn't go to work
11 right after high school.

12 Q Okay. So the first job you took after
13 high school was in 2012?

14 A I'm pretty sure.

15 Q All right. And it was working directly
16 for Mohawk?

17 A Yes, sir.

18 Q And do you recall, did you start -- what
19 time of year you started with them?

20 A I think September.

21 Q And what were you -- what were you doing?

22 A I was running a warper machine.

23 Q I'm sorry, what type of machine?

24 A A warper machine.

1 Q Warper?

2 A It made carpet. It was like a gigantic
3 sewing machine.

4 Q Okay. Tell me what running the warper
5 machine -- what did that entail? What did your job
6 entail?

7 A You feed the thread through and you set
8 up a sewing machine, you put the blueprints in there, and
9 pretty much like that, you just watch it run.

10 Q Was there any heavy lifting or --

11 A No, sir.

12 Q -- physical requirements in that regard?

13 A You had to line the yarn up. That's
14 about it.

15 Q And do you recall who your supervisor was
16 at that time?

17 A I do not remember.

18 Q Do you remember how much you were getting
19 paid?

20 A 11.53, I think.

21 Q And how long did you work for Mohawk?

22 A About nine months.

23 Q And what happened after the nine months?

24 A I was on 11 to 7 and I just -- I put in

1 my two weeks' notice and left.

2 Q Did you have another job lined up?

3 A Yes, but it wasn't through employment.
4 Like I was just helping my grandmother do stuff at night
5 that I wouldn't call it job lined up, no. 11 to 7 was
6 very hard on me.

7 Q Were you ever disciplined during that
8 nine months at Mohawk?

9 A No, sir.

10 Q Did you leave in good standing?

11 A I put in my two weeks' notice.

12 Q I understand, but did they tell you that
13 if you didn't leave you were going to be fired?

14 A No.

15 Q Okay. So you left in good standing.

16 A Yes, sir.

17 Q Okay. Did your -- when you were helping
18 your grandmother, what type of things were you helping her
19 do?

20 A I was just still remained staying and
21 doing the yard stuff. Just 11 to 7 wasn't good for me, so
22 I just kind of took some time off.

23 Q Did she pay you for that?

24 A I mean, she would give me gas money and

1 stuff.

2 Q So basically just helping around the
3 house?

4 A Yes.

5 Q Is it a farm, your --

6 A No.

7 Q No, just regular house.

8 A Yes.

9 Q Okay. And when were you -- well, let me
10 ask you this: When did your grandfather pass?

11 A March 28, 2010.

12 Q Okay. And so the first job you got was
13 after he had already passed?

14 A Yes.

15 Q And so then how long did you stay at home
16 helping your grandmother?

17 A For a good while. I got another job I
18 believe it was in 2014. It may have been the end of 2013.

19 Q Okay.

20 A That was at Altec in Daleville.

21 Q Altec, T-E-C-H?

22 A A-L-T-E-C, I think.

23 Q A-L-T-E-C.

24 A Yes, sir.

1 Q And you said it was in Daleville?

2 A Yes, sir.

3 Q What does Altec do?

4 A They make cranes.

5 Q And what was your job?

6 A Assembly.

7 Q And do you recall who your supervisor
8 was?

9 A His name is Mike. I don't remember his
10 last name.

11 Q Okay. And what was your rate of pay?

12 A 14.50.

13 Q And when you were in assembly, what did
14 that physically require you to do?

15 A Bolting stuff up on truck beds. Tool
16 boxes, stuff like that.

17 Q You would bolt equipment onto --

18 A Truck beds. It's a flat truck bed. You
19 get a blueprint and you bolt stuff on the truck beds.

20 Q Did that require any physical heavy
21 labor?

22 A It wasn't really heavy labor. Most you
23 would pick up, maybe 50 pounds.

24 Q And how long did you work for Altec?

1 A I don't quite remember. It was seven or
2 eight months. I was working through a temp service. I
3 missed two days, and I was laid off.

4 Q Okay. So technically you went to work
5 for the temp service.

6 A Yeah, but I was working at Altec.

7 Q I understand that, but --

8 A Oh, I see what you are saying.

9 Q The temp service hired you.

10 A Yes, sir.

11 Q And the first assignment they gave you
12 was at Altec.

13 A Yes, sir.

14 Q And would that have been Peoplelink?

15 A It was Aerotek.

16 Q I'm sorry?

17 A Aerotek.

18 Q Could you spell that for me?

19 A A-R-E-T-E-C [sic], I think.

20 Q And that was the name of the temporary
21 agency?

22 A Yes, sir.

23 Q Okay. And where are they --

24 A They are downtown here somewhere.

1 Q In Roanoke?

2 A I think they are like right down the
3 road.

4 Q And so you say you worked there seven or
5 eight months, missed two days in a row, and they sent you
6 back to Aerotek?

7 A Yes.

8 Q And Aerotek sent you to somewhere else?

9 A They did not have another assignment.

10 Q And so what happened?

11 A I went to Peoplelink. And then from
12 Peoplelink I went back to Mohawk.

13 Q Was there a period of time between going
14 back to Aerotek and they said we don't have another
15 assignment before you went to Peoplelink?

16 A It was like a week or two. I put in
17 applications at a couple temp services and people didn't
18 call me.

19 Q And Peoplelink, the first assignment that
20 they sent you to was back to Mohawk?

21 A Yes, sir.

22 Q And what were your job responsibilities
23 at that time?

24 A They put me back on the same machine.

1 Q The warper?

2 A Yes, sir.

3 Q All right. And what were your hours
4 then?

5 A They put me on 3 to 11.

6 Q And what was your rate of pay?

7 A At that time I think it was 12.10.

8 Q Okay. And how long did you work for
9 Mohawk through Peoplelink that time?

10 A I worked there about five months. I was
11 getting ready to get hired on and then I came in contact
12 with Allegheny Construction. They gave me a better rate
13 paying job so -- and it was a daylight job so I took that.
14 And again, I put in my two weeks notice and left.

15 Q All right. So just so I'm sure or
16 understand you, did people -- did Mohawk use Peoplelink
17 for temporary employment for a period of like six months
18 and then if you worked out then Mohawk would hire you
19 directly?

20 A Yes. You had to work there a total of I
21 think it was either six months, something like that, you
22 can't miss no days, and if you do and then they evaluate
23 you, go into the office, talk to you, and then you got to
24 work 30 more days, not miss, and they will hire you.

1 Q Okay. So basically it was a way to get
2 hired through Peoplelink back to Mohawk.

3 A Yes.

4 Q And you made it about five months, and
5 you say you came into contact with Allegheny Construction.
6 How did you come upon starting to -- or potentially get a
7 job with them?

8 A Through a friend.

9 Q And what was the friend's name?

10 A Tyler Nicely.

11 Q I'm sorry?

12 A Tyler Nicely.

13 Q Tyler Nicely.

14 A Yes, sir.

15 Q Okay. And so what did you -- when was it
16 that you started with Allegheny Construction?

17 A I'm pretty sure it was in August.

18 Q Of what year?

19 A 2015.

20 Q Do you know when you started with
21 Peoplelink and then went back to work --

22 A No, sir.

23 Q -- with Mohawk?

24 A I don't know the exact month. It was

1 earlier in the year.

2 Q So you think it was like, what did you
3 say, August of '15 you started --

4 A It was more like May with Peoplelink, I'm
5 pretty sure.

6 Q Okay. But then it was August with
7 Allegheny?

8 A Yes, sir.

9 Q Okay. And they put you on day shift?

10 A Yes, sir.

11 Q And who was your supervisor at Allegheny?

12 A Eddie Snuffer.

13 Q And what was your job description working
14 for Allegheny?

15 A A laborer.

16 Q And what did that normally entail?

17 A Anything from being down in a ditch to
18 holding a road sign on the road to operating equipment.

19 Q Did they give you instruction on how to
20 operate the equipment? Training?

21 A Yes, sir.

22 Q And what equipment did they train you on?

23 A It was stuff like jackhammers and stuff
24 like that. It wasn't like actual equipment equipment you

1 would run.

2 Q Wasn't like front end loaders --

3 A No.

4 Q -- or bulldozers or anything of that
5 nature.

6 A No, sir, nothing like that.

7 Q Okay. And what was your rate of pay with
8 Allegheny Construction?

9 A 12.50.

10 Q And what were your hours?

11 A We used to start at 7 o'clock in the
12 morning. You used to be he likes us there by 6, 6:15 and
13 get everything ready. We'd go out on the road by 7, and
14 you would leave anywhere between 3 and 5. Sometimes you
15 would stay as late as 7. There wasn't no set hours
16 because you was working on the road. Pretty much you left
17 when the job got done.

18 Q He likes you -- when you say he, you are
19 talking about Eddie?

20 A Yes.

21 Q -- to be at the shop in the morning?

22 A The road side.

23 Q Okay. Where would you meet to get
24 everything ready?

1 A Garden City. They had a lot they had all
2 the equipment on.

3 Q And that's where they had the trucks
4 and --

5 A All the equipment.

6 Q -- jackhammers and all the tools that you
7 might need out on the road?

8 A Yes, sir.

9 Q Okay. And so you would meet at Garden
10 City somewhere between 6 and 6:30?

11 A Yes, sir. There wasn't a set time you
12 had to be there. He liked everybody there early to start
13 the machines, get everything ready, check everything.

14 Q And what other employees were you working
15 with besides Eddie with Allegheny?

16 A It was a couple Hispanics. I didn't know
17 their name. Tyler, a guy named Patrick, and a guy
18 named Duane. There was like six of us.

19 Q Patrick and who?

20 A Duane.

21 Q Duane. And other than Tyler, did you
22 know any of the other individuals you worked with?

23 A Not prior to my employment.

24 Q Okay. Did you -- after you started

1 working there did you socially hang out with Tyler,
2 Patrick, or Duane?

3 A I went to work and came home. I didn't
4 hang out with them other than at work.

5 Q What did you do for your free time during
6 that period of time?

7 A Well, I usually tried to work on
8 Saturdays so I really didn't have much free time. I would
9 go to work, come back home at my grandmother's house and
10 take care of stuff there. That's pretty much it.

11 Q So you continued to look after your
12 grandmother's house?

13 A Yes.

14 Q When you were in high school were you
15 involved in any sports?

16 A No, sir.

17 Q Were you involved in any clubs or
18 activities through the school?

19 A I was in FFA.

20 Q And what was FFA?

21 A Future Farmers of America. Kind of
22 like -- I got into it through like shop class. It was
23 like woodworking and stuff.

24 Q Did you stay involved with them after you

1 graduated?

2 A No.

3 Q And you did take a shop class?

4 A Yes.

5 Q All right. And did they teach you how to
6 use various tools in that class?

7 A It was just like a six-week period. It
8 was like some kind of alternative you could take like when
9 are at the end of your graduation, like if you had all
10 your credits or whatever, it's just something to kind of
11 fill in like. Because like if you had your driver's
12 license you could leave school early for like work release
13 or whatever, and I didn't have a job and I didn't have a
14 driver's license, so it was just like something that fill
15 out your day kind of thing.

16 Q Okay. But did they teach you how to use
17 like table saws --

18 A Yes.

19 Q -- and welding equipment and things like
20 that?

21 A It was more like a woodworking class.

22 Q And did you have a project that you had
23 to make something?

24 A You made like benches and stuff.

1 Q Just nothing specifically for you. They
2 just said just do this and that's what you did?

3 A They made like benches and put outside on
4 the fields and stuff, the football fields and stuff.

5 Q Were you involved in any other
6 school-related groups other than FFA?

7 A No, sir.

8 Q At the time of this accident were you
9 dating anyone?

10 A No, sir.

11 Q Are you dating anyone now?

12 A Yes, sir.

13 Q And who are you indicating?

14 A Ashley Monroe.

15 Q And how long have you been dating Ashley?

16 A About a month and a half.

17 Q And where does she live?

18 A In Blue Ridge.

19 Q Is she employed?

20 A She's going to school to be a nurse.

21 Q Have you ever been married?

22 A No, sir.

23 Q To your knowledge, has Ashley been
24 married?

1 A She's going through a divorce.

2 Q Does she have any kids?

3 A Two.

4 Q When you were with Peoplelink, did you
5 work at any locations other than Mohawk?

6 A No. When I contacted Peoplelink --
7 Mohawk told me to contact Peoplelink, because I called
8 them and asked them if I could come back, and they said at
9 that time they was using Peoplelink. When I worked for
10 them the first time, they didn't use a temp service. So I
11 contacted Peoplelink and told them Mohawk is where I was
12 wanting to go, so they sent me straight to Mohawk.

13 Q Did you work for any other employers
14 through any temporary agency other than what we've talked
15 about specifically with Mohawk or Altec?

16 A No, sir. At Aerotek and Peoplelink is
17 the temp services. I worked at other employments, but
18 they was through temp services.

19 Q Okay. Well, that's what I'm trying to
20 figure out. What other -- what other companies did you
21 work at?

22 A I worked at Virginia Forge one time, but
23 I don't remember what temp service I went through.

24 Q Virginia Forge?

1 A Yes. It was for a very short period of
2 time.

3 Q Okay. Any other employers?

4 A Not that I am aware of.

5 Q And that was also through a temp agency.

6 A Yes, but I don't remember. It was some
7 off-the-wall temp agency.

8 Q And you don't remember which one.

9 A They had people come in for like five
10 weeks. They had like some extra jobs they needed done,
11 and it was just a temporary job. It wasn't a temp-to-hire
12 job.

13 Q I understand. When you were with
14 Peoplenet [sic] did they send you anywhere other than to
15 Mohawk?

16 A No, sir.

17 Q Do you wear glasses or contacts?

18 A No, sir.

19 Q Do you smoke cigarettes?

20 A No, sir.

21 Q Other than missing two days at the one
22 employer and they said -- and turned you back into the
23 temp agency, have you ever been released from any other
24 employer?

1 A No, sir.

2 Q Since you got your driver's license at
3 age 19, have you had any traffic infractions?

4 A I've got a few tickets.

5 Q And what were those for?

6 A I believe two speeding tickets and one
7 seat belt ticket, to my knowledge.

8 Q And do you remember what jurisdictions
9 you got those tickets in?

10 A I'm pretty sure they was all in
11 Botetourt.

12 Q All in Botetourt, okay.

13 A Yeah. One might have been in Rockbridge.
14 I believe the seat belt ticket was in Rockbridge. It was
15 either a seat belt ticket or a speed ticket.

16 Q Was your license ever suspended or
17 revoked as a result of those tickets?

18 A No, sir, I just paid them and went on.

19 Q Prior to the date of this accident had
20 you ever been involved in any other automobile accidents
21 as a driver?

22 A Yes.

23 Q When was that?

24 A I don't remember dates.

1 Q How old were you?

2 A When I worked at Mohawk through
3 Peoplelink I worked a 16-hour shift, and I had a accident,
4 and I had one when I first got my driver's license.

5 Q All right. Tell me about the one when
6 you first got your driver's license. So you were 19 --

7 A Yes.

8 Q -- and you had an accident. What
9 happened?

10 A I don't quite remember how it happened.
11 It was like three or four vehicles involved. It was kind
12 of everybody collided.

13 Q It was kind of like what?

14 A Everybody just collided. It was raining
15 real hard and everybody just collided.

16 Q Where were you in the line of things?
17 First, second, third --

18 A I was second.

19 Q Second. And did the vehicle in front of
20 you come to a stop?

21 A I think we all come to a stop. I don't
22 remember quite how it happened, sir.

23 Q You rear-ended the vehicle in front of
24 you?

1 A Yes.

2 Q And the vehicle behind you rear-ended
3 you?

4 A Something like that. I don't quite
5 remember how it happened.

6 Q And you said that happened when you first
7 got your license when you were 19?

8 A I believe that wreck happened in 2011.

9 Q Okay. And where were you when it
10 happened? What -- in Botetourt, in --

11 A Oh, Botetourt.

12 Q Botetourt, okay. And were you charged in
13 that accident?

14 A I got a seat belt ticket and some kind of
15 failure to maintain.

16 Q Failure to maintain proper control?

17 A Something like that. I don't quite know
18 what it was. It was heavy raining.

19 Q And did you just pay those tickets?

20 A Yes, sir.

21 Q Were you injured?

22 A No, sir.

23 Q Did anyone as a result of that accident
24 go to the -- seek medical attention?

1 A I went because they asked me to. My
2 grandmother came up there and asked me to go, but I was
3 released that day.

4 Q And where did you go?

5 A I believe it was Roanoke Memorial.

6 MS. ROBINSON: Where was it?

7 THE WITNESS: Roanoke Memorial.

8 BY MR. FRANKL:

9 Q And you indicated you were -- while you
10 were working for Mohawk through Peoplelink you had another
11 accident in your vehicle?

12 A Yes.

13 Q And where was that?

14 A Like two minutes after I left Mohawk.

15 Q Where is Mohawk located?

16 A Glasgow.

17 Q Okay. So you were still in Glasgow?

18 A Yes.

19 Q And what county is that?

20 A Rockbridge.

21 Q Okay. So you were in Rockbridge County.

22 A Yes.

23 Q Tell me what happened in that accident.

24 A I worked a 16-hour shift, and I fell

1 asleep and ran off the road.

2 Q Were you cited for reckless driving for
3 falling asleep?

4 A No. The judge -- I'm pretty sure I went
5 to the judge and the state trooper went to court, too, and
6 explained what was going on, and I got a ticket, but they
7 didn't give me a reckless driving ticket.

8 Q They reduced it to maybe improper driving
9 or something like that?

10 A They reduced it, but I don't know quite
11 what they call it.

12 Q And you paid that ticket?

13 A Yes.

14 Q Did you plead guilty?

15 A I told them I worked a 16-hour shift and
16 fell asleep.

17 Q All right. Did you seek any medical
18 attention after that accident?

19 A No, sir.

20 Q Were you injured?

21 A No, sir.

22 Q The first accident, whose car were you
23 driving when that happened when you were 19?

24 A My vehicle.

1 Q And what vehicle was that?

2 A It was a -- I think it was a 2004 Chevy
3 Silverado.

4 Q And how much damage was there to that
5 vehicle?

6 A It wasn't totaled. The insurance fixed
7 it.

8 Q Okay.

9 A It was front-end damage.

10 Q And was that your first vehicle that you
11 owned?

12 A That I owned, yes.

13 Q And what vehicle were you driving when
14 you fell asleep and ran off the road?

15 A I had a 2005 GMC and it was totaled.

16 Q Did you own any vehicles in between the
17 Silverado and the GMC?

18 A Yes.

19 Q What other vehicles did you own?

20 A I believe it was a Toyota. I think it
21 was a 2001 and a Chevy S10. I think it was like a 1999.

22 Q And why did you get rid of the Silverado?

23 A The one that I wrecked to start with? I
24 traded it in on the four-door Toyota.

1 Q Okay. And then why did you get rid of
2 the Toyota?

3 A It blew up.

4 Q Engine blew up?

5 A Uh-huh, blew up.

6 Q And then you had the S10?

7 A Yes, and it was two-wheel drive.

8 Q Pardon?

9 A The S10 was two-wheel drive. I got it at
10 the time because it was tax time and it was something that
11 I could afford, but then it was two-wheel drive.

12 Q So you traded that in for the GMC?

13 A Well, my grandmother helped me get it.

14 Q But you went to then to the GMC.

15 A Yes.

16 Q And then you totaled that.

17 A Yes.

18 Q So what vehicle did you get at that time?

19 A Took the insurance money and got the
20 Toyota. Then I had one at the time of this accident.

21 Q All right. And what vehicle were you
22 driving at the time of this accident?

23 A A 1997 Toyota Tacoma.

24 Q And did your grandmother help you get

1 that one, too?

2 A The insurance money bought that.

3 Q Okay.

4 A Because that -- the GMC got totaled, I
5 got the insurance money, and I got that.

6 Q All right. How much did you pay for the
7 Tacoma?

8 A I think it was 4800.

9 Q And how many miles were on it?

10 A Well over 200,000 I believe.

11 Q When you bought it?

12 A Yes.

13 Q How many miles were on it when this
14 accident took place?

15 A I don't quite know. I had it for four or
16 five months. I probably put 8- or 10,000 miles on it.

17 Q Where were you -- what did you spend --
18 what was the -- your normal driving? Where were you
19 driving from and to?

20 A From Buchanan on to Garden City.

21 Q Approximately how many miles is that?

22 A 40, 50, maybe.

23 Q Each way?

24 A I believe so.

1 Q So you were putting about a hundred miles
2 a day?

3 A Probably.

4 Q All right. And what was the route that
5 you would take from your grandmother's house to get to
6 Garden City?

7 A I leave her house, get on 11, go to the
8 first interstate exit and drive the interstate all the way
9 until you get to Roanoke Memorial Hospital. I think it's
10 581 you get on right there. And then that takes you like
11 right to Garden City. You go across that bridge and then
12 you go down there to Garden City.

13 Q So you get off at Wonju Street?

14 A You get off right there where Community
15 Hospital is.

16 Q Oh, okay. That's Elm Street.

17 A You go across the bridge.

18 Q Okay.

19 A And go down and you turn right, and then
20 you just keep going straight and you end up going to
21 Garden City. I don't quite remember street names.

22 Q And on a normal day, what time would you
23 leave your grandmother's house to get to Garden City?

24 A Between 5 and 5:30.

1 Q And how long would it normally take you
2 to get there?

3 A About 45 minutes.

4 Q Now, you had a cell phone with you on the
5 date of this accident?

6 A Yes, sir.

7 Q And who was your cell phone provider?

8 A U.S. Cellular.

9 Q And was there anyone on the -- like did
10 you share a line with anyone else or --

11 A I have got my own plan.

12 Q Okay. So U.S. Cellular. And how long
13 had you been with U.S. Cellular?

14 A I think I opened up that plan in like
15 March of 2015. It was either the last week in February or
16 first week in March.

17 Q And what was the phone number for your
18 cell phone?

19 A I don't remember at that time. I've
20 changed it since then.

21 Q Okay. The Toyota Tacoma, did it have any
22 electronic -- electronics in it like a GPS? I mean --

23 A Standard radio.

24 Q Just standard radio. AM/FM?

1 A Yes.

2 Q Did it have a cassette or a CD?

3 A CD player.

4 Q Did it have multiple changers for the CD
5 or just the --

6 A Just the standard radio.

7 Q Okay. Other than your phone and your
8 AM/FM radio, was there any other electronics in the
9 vehicle?

10 A This was a CB radio in there that we used
11 for hunting.

12 Q Did you have it on on the date of this
13 accident?

14 A No, sir.

15 Q We've talked briefly about the traffic
16 violations. Have you ever been arrested for any other
17 crimes?

18 A No, sir.

19 Q Have you ever been in jail or kept
20 overnight in jail?

21 A Not that -- no. No, sir.

22 Q You hesitated. I just wondered --

23 A When I was -- when my grandfather passed
24 away I was sent to a boy's home, but it wasn't really

1 jail. It was like the cops come pick me up and they sent
2 me to a boy's home. I was going through a rough time when
3 my grandfather was sick, but it wasn't really jail. I
4 didn't quite know what you was saying there.

5 Q Okay.

6 A But I wasn't really arrested and taken to
7 jail. It was like a group home kind of deal.

8 Q And what was the name of that group home?

9 A I think it was Hallmark.

10 Q Hallmark. And where was it located?

11 A Richmond. But it wasn't jail. But the
12 deputies picked me up.

13 Q And you said your grandfather was sick --

14 A Yes.

15 Q -- and that's when they picked you up
16 and --

17 A I was just going through a rough time
18 with it.

19 Q In what way?

20 A Like my grandfather was my everything,
21 and it was just -- they wasn't able to take care of me at
22 the time, like I was going through a rough time.

23 Q I understand that maybe your grandfather
24 was sick and he wasn't able to take care of you.

1 A He was in the house in hospice care.

2 Q Okay. But what about your grandmother?
3 She wasn't able to take care of you at that time?

4 A She was having a hard time dealing with
5 it. She was sitting by his bedside as well.

6 Q How long were you in the boy's home?

7 A Until the day I turned 18, and then I
8 returned back to my grandmother's.

9 Q How old were you when you were taken to
10 the boy's home?

11 A 17. It was a little time period.

12 Q How many months?

13 A Like three months, I think.

14 Q Three months, okay. So you were like
15 approximately 17 and nine months old, put into the boy's
16 home. Three months later they let you out when you were
17 18.

18 A I was in the Hallmark when I graduated
19 high school, but I still got my diploma and I still went
20 back for graduation. Like went I went down they helped me
21 finish school, and then I come back home.

22 Q How did you get along in the boy's home?

23 A I stayed to myself. It was crazy.

24 MS. ROBINSON: And Dan, I'm going to

1 object to any more questions. You know, a child
2 in need, the DSS statute is pretty explicit
3 about all this stuff is confidential, and
4 totally irrelevant to this case.

5 BY MR. FRANKL:

6 Q Did you, when you were in school, get
7 into any fights?

8 A No, sir.

9 Q Were you accidentally injured that
10 required medical treatment while you were in school?

11 A Not to my knowledge.

12 Q Prior to this accident did you ever use
13 any illegal drugs?

14 A No, sir.

15 Q Marijuana, cocaine?

16 A No, sir.

17 Q Nothing?

18 A No, sir.

19 Q Never have?

20 A No, sir.

21 Q Are you a member of any club,
22 organization, or church?

23 A No, sir.

24 Q Did your grandparents take you to church?

1 A Every now and again.

2 Q And which church would you go to?

3 A Buchanan Baptist.

4 Q Are you planning on moving anytime in the
5 near future?

6 A I'm pretty content where I'm at.

7 Q What type of vehicle are you driving now?

8 A I do not have a vehicle.

9 Q Is someone allowing you to use their
10 vehicle?

11 A Pretty much either Kenny or Ashley takes
12 me where I need to go.

13 Q How did you get down here today?

14 A Ashley.

15 Q Did you know any of the rescue workers at
16 the scene of this accident?

17 A Yes, sir.

18 Q What rescue workers did you know?

19 A I knew pretty much all of them. They're
20 all from Botetourt County. I mean, at the time I didn't
21 know them because of everything going on but we'll come
22 back I know all of them.

23 Q Which individuals do you recall?

24 A The two that transported me was Krista

1 and Doug. Krista and Doug.

2 Q Krista and Doug?

3 A Like I said, I don't know their last
4 names and I don't know them personally, but it's a small
5 town we live in, and they all run fire and EMS, and you
6 see them on a day-and-day basis and stuff, so I know them
7 all by names.

8 Q Okay. So Krista and Doug transported
9 you?

10 A Yes.

11 Q Did you recognize anybody else?

12 A No.

13 Q Just those two?

14 A Yes.

15 Q Did you know any other of the individuals
16 at the scene of the accident?

17 A I know of the ones that was there on the
18 fire department, but -- because I've talked to them since
19 then. I know which ones was there.

20 Q All right. Which members of the fire
21 department did you know were at the scene?

22 A I know a guy named Evan was there.
23 That's the only one I know directly was there, and I know
24 a few people that -- that's the one I talked to. I know a

1 few people that was -- I think was there, but I don't
2 quite know the names. Like I said, I know -- you see them
3 here and there, you know, throughout the county and
4 everything, but I just know their names.

5 Q So you recognize them, but you don't
6 really have any knowledge of what their name is or --

7 A Yes. Like I see them and I know like,
8 hey, they work for them, you know.

9 Q Okay. Did you talk to Krista or Doug
10 about the accident?

11 A No.

12 Q All right. But you did talk to Evan.

13 A Not about the accident. He just said,
14 Hey, I remember you was in the wreck. He did call and
15 check on me in the hospital.

16 Q Evan called?

17 A Yes. Him and his girlfriend did.

18 Q Okay. But you didn't talk about the
19 wreck. He just asked you how you were doing?

20 A They were just checking on me.

21 Q Okay. How many people came to visit you
22 at the hospital?

23 A I don't remember everybody. Few of my
24 friends.

1 Q What -- that's what I'm asking. What
2 friends do you remember that came to visit?

3 A All my coworkers came. Kenny came up
4 there every day.

5 Q I'm sorry?

6 A Kenny came up there every day.

7 Q Kenny, okay. And then what coworkers?

8 A All of them came but the Hispanics.
9 Tyler, Patrick, Duane, and Eddie came up there.

10 Q Anybody else come that you can recall?

11 A My grandmother came up there from time to
12 time, but it was hard on her so -- she came three or four
13 times I bet.

14 Q Anyone else?

15 A Not to my knowledge.

16 Q Did Wendy Montgomery from the -- worked
17 at the rescue --

18 A I believe she did.

19 Q -- rest area?

20 A I believe she did.

21 Q Okay.

22 A Like I said, a few people would stop by
23 here and there, you know, but I was in so much pain, you
24 know, they would stay a minute or two and they would

1 leave.

2 Q Did you -- do you know how many times
3 Wendy came to see you?

4 A I believe it was twice.

5 Q Anyone else that you can recall?

6 A No, sir.

7 Q With either Kenny -- well, did you talk
8 to Kenny about how this accident took place?

9 A I have not discussed it with anybody but
10 her.

11 Q And you are indicating your attorneys.

12 A Yes.

13 Q Okay. So you have not discussed
14 specifically how this accident took place with anyone
15 other than your attorneys?

16 A No, sir.

17 MR. FRANKL: Okay. We've been going on
18 for about an hour. I suggest we take a
19 ten-minute break. Go off the record.

20 THE VIDEOGRAPHER: Off the record at
21 10:57.

22 (A recess was taken.)

23 THE VIDEOGRAPHER: On the record at
24 11:11.

1 BY MR. FRANKL:

2 Q Mr. Lester, have you ever brought a
3 lawsuit before?

4 A No, sir.

5 Q Have you ever made a claim under
6 Workmen's Compensation?

7 A No, sir.

8 Q Been injured on the job and gotten paid
9 through the insurance that the employer had?

10 A Not that I am aware of.

11 Q Okay. Have you ever been sued yourself
12 before?

13 A Not that I am aware of.

14 Q I saw in one of your answers there was a
15 loan or something that someone took you to court on?

16 A Yes, sir.

17 Q All right. So they sued you for money?

18 A Oh, is that what -- yeah. I thought you
19 meant like a lawsuit. Is that still a lawsuit?

20 Q That's a lawsuit.

21 A A judgment, but yeah.

22 Q Okay. So what did they get a judgment
23 against you for?

24 A The GMC truck I had.

1 Q Okay. You had a loan out on the truck?

2 A It was another vehicle I had. It wasn't
3 the one in the wreck.

4 Q Okay.

5 A I took it back and parked it in their
6 yard. I told them I didn't want it anymore, and now
7 they're trying to say that I had the vehicle like two
8 weeks, and my grandmother helped me get the Silverado, and
9 they tried to say that I owed them money for it.

10 Q And they took you to court, or got a
11 judgment.

12 A Yeah, they got a judgment against me. I
13 haven't been to court about it.

14 Q And is that judgment still outstanding?

15 A To my knowledge, yes.

16 Q Any other legal actions that you have
17 been involved in?

18 A Not to my knowledge.

19 Q Okay. And you mentioned -- you said that
20 your girlfriend, Ashley Monroe, lives in Blue Ridge. Do
21 you know what her address is?

22 A No, sir.

23 Q And where is Blue Ridge?

24 A In Botetourt County.

1 Q And what part?

2 A Like the end towards Roanoke. It's close
3 to Bonsack. Like Bonsack and --

4 Q In between -- well, is it on -- if you
5 use 81, would it be toward the 460 side of 81?

6 A You get to her house from 460.

7 Q Okay. Then this accident took place on
8 Monday morning, the 26th of October of 2015.

9 A Yes, sir.

10 Q Do you know at approximately what time
11 you left your home that morning?

12 A I believe around like 5:15.

13 Q And from your grandmother's house, how
14 long does it take you driving to get from her house to
15 Interstate 81?

16 A Couple minutes.

17 Q All right. And then what mile marker, if
18 you know, do you get on Interstate 81 from your
19 grandmother's house?

20 A 162.

21 Q 162, okay. And so if this accident took
22 place about the 158, you would have only been on the
23 interstate --

24 A Couple minutes.

1 Q -- four or five minutes?

2 A Yeah.

3 Q Okay. Now, were you working for
4 Allegheny Construction Monday through Friday?

5 A Yes, and some Saturdays.

6 Q All right. Do you know whether or not
7 you worked on Saturday the 24th --

8 A No, sir.

9 Q -- of --

10 A No, sir, I did not.

11 Q All right. Let me finish my question,
12 but --

13 A Sorry.

14 Q So on the 24th of October, that Saturday
15 two days before this accident, you didn't work that day?

16 A No, sir.

17 Q And how is it that you remember you
18 didn't work that day? Do you remember what you did that
19 weekend?

20 A No, sir, I don't.

21 Q Okay. Were you dating someone at the
22 time of the accident?

23 A No, sir.

24 Q Do you recall whether or not you went

1 fishing or hunting?

2 A I'm pretty sure I like stayed at my
3 grandma's and mowed grass, because I didn't work that
4 Friday either. I had a hernia and I was off work a couple
5 days, and I was supposed to return back to work on that
6 Monday.

7 Q So the best of your -- well, how many
8 days were you off work the week before this accident?

9 A I believe it was like half of a
10 Wednesday, a Thursday, and a Friday.

11 Q And so with this hernia, did you have to
12 take it easy over that weekend?

13 A Yeah, just kind of stayed around the
14 house.

15 Q And maybe cut grass, you said?

16 A If I did anything, I done that. I
17 don't -- I'm not even aware if I done that, but I didn't
18 really go nowhere. I just kind of stayed around the
19 house.

20 Q When you stay around the house, what type
21 of activities do you do?

22 A Go out in my grandpa's garage, mess
23 around, just stay active.

24 Q Mess around with what?

1 A Like clean up, just turn the radio on and
2 stay busy.

3 Q I mean, are you working on --

4 A Not much out there. I mean, it wasn't
5 much out there. I used to just go out there and clean the
6 lawn mower up, you know, sharpen lawn mower blades, stuff
7 like that, but that weekend I didn't really do nothing.

8 Q Do you drink alcoholic beverages?

9 A Yes and no. Like I might drink one or
10 two here and there, but do I drink on a regular basis, no.

11 Q And when you say you drink, are you
12 talking about beer or are you talking about --

13 A Yeah. If I drink it might be like one
14 beer or something.

15 Q You might --

16 A I have never drank over like three or
17 four at a time.

18 Q Have you ever had anything to drink other
19 than beer?

20 A Not to my knowledge.

21 Q No moonshine or anything of that nature?

22 A I had like a mixed drink one time. I
23 didn't like it -- I was at Applebee's -- and I didn't
24 drink nothing after that, no.

1 Q So do you know as you sit here today what
2 time you went to bed on Sunday night the 25th of October
3 before you woke up the next morning to go into work at
4 Allegheny?

5 A Probably around 9 or 10 o'clock, time I
6 usually go to bed.

7 Q At what time would you normally wake up?

8 A About 4:30.

9 Q And so you indicated you left around
10 5:15. What would you have done between --

11 A I usually get up, take a shower, get
12 ready for work.

13 Q And were you taking any medication at the
14 time of the -- on the date of the accident?

15 A Lithium.

16 Q And how long had you been taking Lithium?

17 A For a good while. Year and something, I
18 think.

19 Q Over a year?

20 A Yes, sir.

21 Q And did Lithium have any effect on you?
22 I mean, did you know -- did it make you drowsy?

23 A No, sir.

24 Q Did it have any side effects at all that

1 you were aware of?

2 A No, sir.

3 Q Okay. Was there anything -- do you
4 normally eat breakfast?

5 A I usually get up, take a shower, eat a
6 bowl of oatmeal and put my clothes on and leave.

7 Q And to the best of your recollection, is
8 that what you did that Monday morning?

9 A Yes, sir.

10 Q Okay. And what was the weather like that
11 day?

12 A It was drizzling rain. It was kind of, I
13 would call it, more or less a heavy fog.

14 Q Did the fog have an effect on your
15 visibility down the roadway?

16 A Not really. It was enough to make the
17 road damp.

18 Q So it wasn't really like a thick fog and
19 you couldn't see through. It was just like a mist?

20 A It was like enough when you get outside
21 and your vehicle is -- the windshield is wet, but it
22 wasn't raining. It was just like dew, I guess you would
23 call it.

24 Q But the roadway surface was wet?

1 A Yes. Damp, I guess you would call it.

2 Q And when you travel down the roadway,
3 where do you keep your phone?

4 A Usually just laying in the seat.

5 Q And you -- but you do have it on?

6 A Yeah.

7 Q And you weren't using it at any time
8 prior to this accident?

9 A No. I don't text and drive.

10 Q Tell me in your own words, starting with
11 when you got on the Interstate 81 South at approximately
12 the 162 mile marker, what you remember on the date of this
13 accident.

14 A I'm pretty sure I'm the only vehicle that
15 I passed, that I come encountered with, until I come up to
16 this wreck.

17 Q I'm sorry. You believe you were the only
18 vehicle --

19 A Like I wasn't -- you know how you go down
20 the interstate now it would be a bunch of vehicles? When
21 I got on the interstate I didn't pass any vehicles.

22 Q You don't remember any other traffic
23 being out on the interstate from the 162 to --

24 A Not until I come to this truck in the

1 road, no, sir.

2 Q Okay. Would you agree -- well, did you
3 talk to the trooper at the accident scene after the
4 accident?

5 A I remember talking to somebody, I don't
6 quite know who it was. I was kind of in and out of it at
7 that point. I remember them putting me in the rescue
8 squad and somebody got in there and talked to me. I don't
9 quite know who it was, but I was coming in and out of it.

10 Q Okay. Would you agree that if you did
11 talk to individuals at the scene about what had happened
12 that what you told them immediately after the accident
13 would probably be more accurate than your memory today?

14 A Should be the same.

15 Q Should be the same.

16 A Yes, sir.

17 Q But if there are any differences,
18 which -- which story or which set of circumstances would
19 be more accurate?

20 A I know it was being said that I seen a
21 white van in the wreck. Come to find out a white box
22 truck hit me. I remember seeing something white. That
23 could be what I could have said was a white van.

24 Q Okay. But you're not answering my

1 question. I understand, and we'll get to that.

2 A Sorry. I was trying to answer it to the
3 best of my knowledge.

4 Q What I'm asking you is: If you said
5 something on the date of the accident and you are saying
6 something different now --

7 A Should be the same.

8 Q Should be the same. But if it's
9 different, which one do you think would be more accurate?
10 The one closer in time to when the event took place or
11 now, months later?

12 MS. ROBINSON: Let me object in that it
13 calls for an opinion and that the witness has
14 already testified that he was in and out. So
15 under circumstances that were altered to a
16 degree.

17 BY MR. FRANKL:

18 Q Okay. You can still answer the question.

19 MS. ROBINSON: Yeah, Brandon, you can
20 answer the question.

21 THE WITNESS: I guess when I was in the
22 accident, like I said, I was in and out of it so
23 I don't quite know.

24 ///

1 BY MR. FRANKL:

2 Q So as we sit here today it's your
3 recollection that you were the only vehicle on the
4 roadway?

5 A Yes.

6 Q And how fast were you going?

7 A Before I seen the truck probably about
8 60.

9 Q And what is the speed limit on that road?

10 A When you get close to the rest area, you
11 are supposed to slow down about 60, I'm pretty sure, so I
12 usually run about 60 right through there. Like I say, it
13 was through the fog and stuff, so I know I wasn't going
14 anything over 60.

15 Q What was the speed limit on the
16 interstate?

17 A The interstate speed limit is 70. But
18 once you come close to the rest area, I'm pretty sure it
19 turns to 60.

20 Q So you are saying even when you got on
21 before you got to the rest area you were only doing 60?

22 A Yes, and I was driving in the right lane.

23 Q And you were driving in the right-hand
24 lane.

1 A Yes, sir.

2 Q Okay. So tell me in your own words, you
3 are proceeding down the right-hand lane, you are doing
4 approximately 60 miles an hour. As you approach the rest
5 area what happened? What did you see?

6 A I see my headlights shine on this truck.
7 I see this truck in the road and it didn't have much of a
8 lighting on it at all. I slammed on my brakes, and I come
9 down to probably 30 miles an hour and I slammed into it.
10 I mean, it was in the middle of the road. I had no chance
11 of not hitting it.

12 Q When you first saw, or your headlights
13 struck -- lit up the truck, where was it in the roadway?

14 A It was all the way across the road.

15 Q All right. It crossed both the right
16 lane and the left lane?

17 A Yes, sir.

18 Q And did you see, was it hauling a trailer
19 or --

20 A It was two trucks.

21 Q It was two trucks. And which way was the
22 second truck facing?

23 A I do not remember.

24 Q Well, how do you know it was two trucks?

1 A I just remember it was two trucks.

2 Q All right. Well, sometimes you see
3 tractor-trailers going down the road and you have got the
4 cab of one and then you've got the cab of the second one
5 kind of piggybacked --

6 A If the cab of the one --

7 Q Excuse me.

8 A Sorry.

9 Q Let me finish the question. Sometimes
10 you see a tractor-trailer going down the road, or just a
11 tractor, and then it's going forward, and then behind it
12 piggybacked facing in the same direction is another
13 tractor. Have you seen that before?

14 A Yes.

15 Q Okay. Was that the way these two
16 tractors were piggybacked on one another?

17 MS. ROBINSON: Asked and answered, but
18 you can try and answer it.

19 THE WITNESS: Do what?

20 MS. ROBINSON: He has asked that question
21 and you have already answered it once. That's
22 my objection, but you can go ahead and try
23 again.

24 THE WITNESS: I'm pretty sure that he was

1 pulling him, so, therefore, he was facing away
2 from him.

3 BY MR. FRANKL:

4 Q Okay. So it's your recollection that one
5 tractor was facing forward and the other tractor was
6 facing the opposite direction?

7 MS. ROBINSON: Let me object to that
8 question in that he said, based upon the fact
9 that it was towing it, he thought -- thinks it
10 has to be that way. You've asked him if he
11 recalls from looking at it and he said no.

12 So Brandon, listen to the question and
13 answer it.

14 BY MR. FRANKL:

15 Q Okay. What is your best recollection of
16 which direction the tractor that was being towed was
17 facing?

18 A The rest area.

19 Q All right. So the tractor that was out
20 in the roadway was facing which way when you first saw it?

21 A The guardrail.

22 Q Was it actually all the way out to the
23 guardrail?

24 A Yes. Both vehicles was in the road.

1 Q Okay. And so you had the one tractor was
2 out in the roadway, and then the tractor that was being
3 pulled was facing which direction?

4 A The rest area.

5 Q Okay. And was it -- and was the vehicle
6 at an angle at all?

7 A It was -- went straight across the road.

8 Q Okay. That was the -- the pulling
9 tractor was straight across the road?

10 A They both was.

11 Q Okay. All right. So your recollection
12 is that both vehicles were like in a straight line
13 perpendicular to the interstate?

14 A It was like I had a roadblock. I had to
15 hit it.

16 Q Okay. And you slammed on your brakes?

17 A That was my first instinct.

18 Q Did you swerve to the left?

19 A I think my truck hit -- once I hit him, I
20 slammed on the brakes. I'm pretty sure I hit him like
21 that and my truck --

22 Q Okay. Well, you are indicating. So you
23 slammed on your brakes and your --

24 A Yes, sir.

1 Q -- did your truck slide?

2 A I don't think it -- I think my brakes
3 locked up, but I don't think it slid like one way to the
4 other.

5 Q All right. So when you locked up your
6 brakes, was your pickup truck still going forward?

7 A Yes, sir.

8 Q Did it turn to either side, to your
9 knowledge?

10 A No, sir.

11 Q Where was the impact between your pickup
12 truck and the vehicle that you hit? Where did you hit
13 him?

14 A In the side of his vehicle, I'm pretty
15 sure.

16 Q The front? The middle? In between the
17 two tractors?

18 A After the wreck happened, like after it
19 went bam-bam and I looked up to see what happened, I could
20 just see truck and grass.

21 Q I know, but when you -- you slammed on
22 your brakes and you're sliding towards this vehicle or
23 vehicles blocking the roadway.

24 A Uh-huh.

1 Q At what part of the vehicle is the front
2 of your truck aimed? What is it going to hit?

3 A Through middle of it.

4 Q Right in the middle, okay. And is that
5 in fact where you hit?

6 A Once it all went bam-bam, it's like --
7 you know, I'm just like what just happened, you know. I
8 looked up. I seen grass and I seen truck.

9 Q Okay. So it's your best recollection
10 that your vehicle hit right in the middle of the two
11 tractors?

12 A The best I could tell.

13 Q All right. And tell me what happened to
14 your vehicle after that impact.

15 A I could see the hood buckled up a little
16 bit, and that's about all that I seen at that point. And
17 then a few seconds later the other wreck happened.

18 Q Okay. I'm going to show you what we're
19 going to mark as Lester Exhibit Number 1.

20 (Deposition Exhibit Number 1 was marked
21 for identification.)

22 BY MR. FRANKL:

23 Q Do you recognize the rest area and the
24 southbound lanes of Interstate 81?

1 A Yes, sir. I travelled that road daily.

2 Q Okay. Now, can you mark on this
3 photograph where the truck was that was across the
4 roadway?

5 A Pretty sure it was like right along here,
6 but, like I said, I can't judge for sure.

7 Q Okay. Well, go ahead and put a -- put I
8 guess two squares indicating...

9 A (Witness complies.)

10 Q I'm not sure I can see that.

11 A There's some trees right there that ain't
12 showing up.

13 Q Here. Try this pen and see if that will
14 help you.

15 A I'm pretty sure like right around here,
16 but I can't --

17 Q Okay. So that's where the one tractor
18 was. Where was the second tractor?

19 A Everything was like right across the
20 road.

21 Q Okay.

22 A From my best knowledge.

23 Q All right. Go ahead and put a circle
24 around that and then around where you drew the truck -- I

1 think it was right there.

2 A The exit -- like I said, I can't say if
3 it's here or there. I can't really judge, but I know it's
4 right as you go to the entrance.

5 Q Okay. Well, go ahead and put a circle
6 around where you think it is. All right. And then just
7 put the letter A right -- yeah.

8 A (Witness complies.)

9 Q All right. And it was -- was the truck
10 and the truck that it was hauling, did it go into the --
11 the ramp?

12 A I don't know what happened after the
13 wreck.

14 Q No, no. I'm saying was -- you are saying
15 it was across both lanes of the interstate.

16 A It was pulling out.

17 Q But did it go into and -- was it also in
18 this part of the entrance ramp to the rest area?

19 A The only thing I can tell you is I know
20 it was across the road. My eyes was focused across the
21 road in my path of travel, and I was getting ready to hit
22 it.

23 Q And did your vehicle change lanes when
24 you slammed on the brakes or did it stay in the right-hand

1 lane?

2 A I'm almost positive it stayed in the
3 right lane, best of my knowledge.

4 Q Okay. Now, after the first impact --

5 A Yes, sir.

6 Q -- was your vehicle still I'll say on the
7 northbound or the northbound side of where the truck was
8 across the roadway?

9 A I don't know. I seen grass, is all I can
10 tell you. That's why I said I can't say it was here,
11 because I see grass right here, and I don't see no grass
12 here. But I know that once I wrecked the first time I
13 seen grass and I seen truck.

14 Q Okay. So in what position was your
15 pickup truck after the first collision?

16 A I guess I would have to say kind of
17 angled, because, like I said, I seen grass.

18 Q Okay. And if it was angled --

19 A Had to be towards grass.

20 Q Okay. But where is the closest grass?

21 A I would have to say there. That's why I
22 said I kind of hesitate on jumping saying it was there,
23 you know --

24 Q I understand that. But were you closer

1 to the guardrail or closer to the grass?

2 A I'm pretty sure it was grassy median,
3 because I thought I was out of the road.

4 Q Okay. So you would have had to have been
5 down to the south of this location?

6 A Yes.

7 Q South of where the --

8 A That's why I am actually wondering if
9 this guy wasn't pulling out of here, if he was pulling out
10 right here. Because once I hit, I looked out the
11 windshield. I could see some grass, and I could see his
12 truck.

13 MS. ROBINSON: So let the record reflect
14 that when he says makes me question whether he
15 was here, it's the spot marked as A.

16 BY MR. FRANKL:

17 Q Well, okay. You've got the spot marked
18 as A is where you thought initially that the truck was.

19 A Yes.

20 Q But go ahead and write or put a line
21 where you think the truck may have been.

22 A (Witness complies.)

23 Q Okay, and so --

24 A The reason I say it may have been here is

1 because --

2 Q Go ahead and put a B there.

3 A (Witness complies.) It just don't want
4 to write.

5 Q All right. And ultimately you ended up
6 in the -- well, which lane do you think your car ended up
7 when it was disabled?

8 A I would have to say I was probably
9 setting right here. I thought I was out of the road --

10 Q All right.

11 A -- and in a safe spot.

12 Q And how would you describe the impact
13 between your pickup truck and the initial collision?

14 A As in?

15 Q Was it a severe impact? Was it a minor
16 bump? How would you describe --

17 A I remember when I seen grass I tried to
18 get out of the vehicle. I couldn't get out of the
19 vehicle, so I just kind of -- it was very few seconds in
20 between. I remember hearing something. I could look up
21 in my rearview mirror and see this truck coming. That's
22 all that I can tell you happened within the impact. I
23 don't remember much of the impact.

24 Q I am talking about the first one when

1 you hit --

2 A When I hit this truck?

3 Q When you hit that truck, how severe was
4 that impact?

5 A My truck kind of hit it and bounced off.
6 Like I was okay at that point.

7 Q Okay. So the initial impact, you bounced
8 off. So your vehicles would have been to the north --

9 A -- of the truck --

10 Q -- would have been to the north side of
11 where you have the truck at either A or B?

12 A What do you mean the north side? I don't
13 understand.

14 MS. ROBINSON: He means that the truck is
15 still in front of you.

16 THE WITNESS: Yes. I'm still in the
17 vehicle at that point.

18 BY MR. FRANKL:

19 Q You are still in the vehicle, but it
20 would have been on this side of the roadway or on this
21 side of the roadway, because the truck was still south of
22 you.

23 A Yes.

24 Q Okay. And based on the fact that you saw

1 grass, you think your vehicle would have been --

2 A I took it I was in like -- I guess you
3 call that side of the road. I could see grass, so I
4 thought I was in a safe spot. I couldn't get out of the
5 vehicle.

6 Q Okay. So it would be fair to say if we
7 put a little box that, if this was where the
8 tractor-trailer was at location B, your car would have
9 been in the position of this little box?

10 A Somewhere in there, yes.

11 MS. ROBINSON: Objection. His testimony
12 is unclear on that point, but that's fine. Go
13 ahead.

14 BY MR. FRANKL:

15 Q But it would have been to the north is
16 what I'm saying. It would have -- if north is up here, it
17 would have been to the north --

18 A Talking the opposite side of this, right?

19 Q Yes, correct.

20 A Okay, yes.

21 Q So this would have been the south side,
22 and this is the north side as the interstate was going
23 south.

24 A Yes. As in the truck I hit was still in

1 front of me. Yes.

2 Q All right. And at that point in time,
3 did you -- you saw grass and you were trying to get out of
4 your vehicle.

5 A My door wouldn't open.

6 Q Okay. Was the engine still on?

7 A Well, I had a five-speed, it was a manual
8 transmission, so once it hit the truck was kind of stalled
9 out.

10 Q Did you attempt to restart it?

11 A Yes.

12 Q And would it restart?

13 A It would not do nothing.

14 Q Were your lights still on?

15 A No, they busted.

16 Q Your dash lights were --

17 A They busted. It was when I hit. I
18 remember when I hit my lights went out.

19 Q So the dash lights even went out?

20 A Everything wouldn't work. Nothing
21 worked.

22 Q Okay. And were you able to open the car
23 door?

24 A No, it wouldn't open.

1 Q All right. Was the window up or down?

2 A It was up. It was cold that morning.

3 Q Okay. And it was a significant enough
4 impact that it buckled the hood?

5 A Yes.

6 Q And it knocked the front headlights out?

7 A They went out.

8 Q And your engine stopped?

9 A Yeah. Pretty much I guess you would say
10 stalled out since it was a five speed.

11 Q All right. And even the dash lights were
12 off.

13 A Yeah, because I remember turning the
14 switch on and it wouldn't do nothing.

15 Q Did you attempt to put your flashers on?

16 A It wouldn't do nothing.

17 Q Did you attempt to hit the flasher
18 button?

19 A No, sir.

20 Q Okay. And you were trying to get out?

21 A Yes, sir.

22 Q And the windshield was cracked at that
23 point in time?

24 A I guess you would call it spiderwebbed.

1 Q Spiderwebbed, okay. But it was still in
2 tact.

3 A Yes.

4 Q And the windows on either side were still
5 in tact?

6 A Yes, sir.

7 Q All right. And so you were not ejected
8 as a result of that first impact?

9 A No, sir.

10 Q All right. And you said how much time
11 elapsed from when you realized -- you have had the first
12 impact, you have realized, okay, I'm in the grass, I'm
13 trying to restart the car, my headlights are out, my
14 windshield is spidered, before you saw the headlights from
15 the other truck?

16 A I don't think I could put a time period
17 on it. I mean, I was all shaken up. You know, a lot
18 just happened. I mean, I don't think I could put a second
19 time period on it, you know.

20 Q Okay.

21 A I mean, it wasn't long at all, but I mean
22 me saying 30 seconds, 45 seconds, I don't think that I can
23 put a time period on it.

24 Q That's fine. Did anyone approach your

1 vehicle during that period of time before the white box
2 truck struck your vehicle?

3 A I did not see anybody.

4 Q Okay. Do you know definitively, meaning
5 positively, that you were unable to get out of your
6 vehicle?

7 A Yes.

8 Q You do.

9 A Yes, sir.

10 Q Okay. And so it's your testimony you
11 were still in your pickup truck when it was hit by the box
12 truck?

13 A Yes, sir. I remember seeing it coming.
14 Like I said, I heard something, I looked in the rearview
15 mirror, and it kind of freaked me out. And I don't
16 remember much after that.

17 Q Well, what was your -- was the front of
18 your vehicle -- which way was the front of your vehicle
19 facing?

20 A He was kind of halfway in the road
21 since -- and like halfway there. I seen grass, so it had
22 to be like right here.

23 Q So you were still facing south.

24 A I could still see the truck, yeah.

1 Q So you were still facing this direction.

2 A Yeah. It wasn't like completely
3 crossways or completely straight. It's kind of like --
4 like I said, I could see the truck and I could see grass.

5 Q Okay. So you were angled slightly
6 toward --

7 A The rest area.

8 Q -- the rest area?

9 A Yeah.

10 Q Is that correct?

11 A Yeah. But if I looked in my rearview
12 mirror, I could still see the road.

13 Q Okay. Could you see straight down the
14 road or was it --

15 A No, sir. I seen headlights coming.

16 Q But could you see straight down the
17 road --

18 A No, sir.

19 Q -- or you could just see lights?

20 A I could see lights.

21 Q Okay. And then after some period of time
22 when you saw those lights what did you do?

23 A I don't quite remember what I did. I
24 think I might have tried the brakes myself or something.

1 I don't quite know what I did. I don't really remember
2 too much of it.

3 Q Were you continuing to try to get out?

4 A At that point I think I freaked out, to
5 be honest with you.

6 Q But were you continuing to try to open
7 the door?

8 A I mean, several times I was trying to
9 open the door. At that point I seen the lights coming, I
10 think I freaked out and just kind of set there.

11 Q And it's your testimony that no one else
12 was around?

13 A I didn't see anybody.

14 Q And you did not get out of your vehicle
15 before the second impact?

16 A No, sir.

17 Q What is the first thing you did after you
18 realized that you have been in this collision?

19 A The first wreck?

20 Q The first wreck.

21 A I called my supervisor.

22 Q All right. So you tried to start the car
23 first?

24 A Yeah. And after I was over here --

1 Q That's what I am asking.

2 A All right.

3 Q What is the first thing you did?

4 A I tried to finish getting out of the
5 road. And then it all hit, bam, and then I got flipped
6 around and I thought I was off the road. I started to see
7 grass, so I called Eddie Snuffer.

8 Q All right. And what did you tell him?

9 A I told him that I had been in a wreck,
10 and he said where. I don't know why I didn't call -- I
11 don't know why I didn't call 911 first. I was real good
12 friends with Eddie. I just called him and told him I had
13 been in a wreck.

14 Q Okay. And so the first thing you did was
15 you tried to restart the car.

16 A Yes, sir.

17 Q And you looked around.

18 A Yes.

19 Q And you saw the truck was still in front
20 of you and you saw grass.

21 A Yes.

22 Q And so where was the phone?

23 A Laying in my seat.

24 Q It was still sitting on the front

1 passenger seat?

2 A I usually tuck it in the seat. Like you
3 know the seat is there and the seat comes up? I usually
4 just tuck it in there so it don't slide around. So it was
5 still in the seat.

6 Q All right. So the first collision --

7 A It wasn't really that bad.

8 Q It wasn't that bad?

9 A No. Like my truck probably wasn't
10 totaled at that point. I would have been fine.

11 Q So at that point in time you had the
12 phone in your hand?

13 A Yes.

14 Q And you looked up and you saw --

15 A Grass. It was dark.

16 Q But you saw lights coming?

17 A I was off the phone at that point.

18 Q Okay. So you had -- how many calls did
19 you make?

20 A I made one phone call to him. And I told
21 him I had been in a wreck, and said that he would call 911
22 for me -- at that point I wasn't injured -- to let someone
23 know that, you know, this collision had happened. I was
24 just too shaken up to call.

1 Q And do you know where Eddie lived?

2 A I had never been to his house. I become
3 good friends with him from work. I believe he lives in
4 Rocky Mount.

5 Q Okay. So if he called 911, he would have
6 called 911 down in Rocky Mount?

7 A He got them up there somehow.

8 Q Okay. So you have now -- you have called
9 Eddie. You have tried -- already had tried to start your
10 car. You tried at least once or twice to get out. After
11 the call what did you do?

12 A I think that's when the other truck hit
13 me.

14 Q Okay.

15 A It all happened so fast. I mean, I don't
16 think I can sit here and tell you everything that
17 happened. I was just so shaken up at the time, you know,
18 I can't set here and tell you this happened, this
19 happened, and this happened, no.

20 Q Do you remember the box truck hitting
21 your vehicle?

22 A I remember something hitting the vehicle,
23 but I don't remember what happened after that. I remember
24 seeing it coming and bam, but I can't tell you what

1 happened after that.

2 Q Do you remember seeing the lights?

3 A I remember seeing the lights.

4 Q And you remember seeing it was white?

5 A I remember seeing something white.

6 Q And do you remember the actual impact
7 between the two vehicles?

8 A No, sir. I can kind of remember getting
9 hit, but that's about it.

10 Q And it's my understanding you did not
11 have your seat belt on?

12 A No, sir.

13 Q Did you have it on to begin with and you
14 took it off once the first wreck took place, or you just
15 never had it on?

16 A Just didn't have it on.

17 Q Okay. And do you have any idea how you
18 got out of your vehicle?

19 A I couldn't tell you. I got out of there
20 somehow.

21 Q All right. Well, I'm trying to -- was it
22 based on your trying to get out of the vehicle or did the
23 impact --

24 A Pretty sure the impact put me out.

1 Q Okay. Do you recall whether or not you
2 were like pulling the handle, the release for your door?

3 A At the time the truck was hitting me, I
4 wasn't pulling nothing. I was just thinking I was going
5 to die.

6 Q Okay. And you indicated you were bracing
7 yourself.

8 A Yeah.

9 Q All right. How did you brace yourself in
10 the vehicle?

11 A I think I just like grabbed the steering
12 wheel.

13 Q Both hands on the steering wheel?

14 A Pretty sure that's how it happened.

15 Q Where is the phone at that point in time?

16 A In my lap.

17 Q In your lap.

18 A I'm pretty sure it's either in my lap or
19 the seat.

20 Q After the second impact, what is the next
21 thing you remember?

22 A I don't.

23 Q You don't remember anything?

24 A I kind of remember getting in the rescue

1 squad.

2 Q You don't -- you don't remember making
3 any phone calls?

4 A No. They say I made a phone call back to
5 Eddie, somebody give me the phone so I can call Eddie, but
6 I don't know how my phone made it back to wherever I was.
7 I can't tell you how it happened.

8 MS. ROBINSON: He just wants what you
9 remember, not what you have heard.

10 BY MR. FRANKL:

11 Q Okay. So your next -- your cognitive
12 next memory is being put into the ambulance?

13 A Yes.

14 Q Do you remember being on the side of the
15 road?

16 A No.

17 Q Do you remember talking to any women?

18 A No.

19 Q And you remember being put in the
20 ambulance. You remember talking to the trooper in the
21 ambulance.

22 A I remember talking to somebody in the
23 ambulance. At that time I think it was several EMS
24 workers in there with me, you know. And then there was

1 somebody over top of me, I guess you would call the
2 trooper, and he was asking me questions. Like I said, I
3 was in and out of it, and I don't know quite what was
4 said.

5 Q But that individual was asking you what
6 happened in the accident?

7 A Yeah, and if I knew where I was and stuff
8 like that. And I remember some of it, but I can't say
9 what all I remember because I don't.

10 Q But you don't remember making a phone
11 call --

12 A No, sir.

13 Q All right. -- back to Eddie. You don't
14 remember telling anyone anything after the accident.

15 A No, sir. I know the phone call was made,
16 but I don't remember.

17 Q How do you know the phone call was made?

18 A I have been told it was made. And Eddie
19 come to the hospital several times checking on me, you
20 know, but I don't know how I got my phone to make it.

21 Q When you saw the truck in the roadway,
22 either at location A or location B, was it moving?

23 A No. It was across the road, like you got
24 a bridge right across the road you can't pass.

1 Q In between the time your vehicle is
2 disabled, the truck is still in front of you further south
3 down the interstate, did it move?

4 A Did this truck move?

5 Q Yes.

6 A No, it was just kind of sitting there.
7 Like I said, didn't have much light on it I can recall.
8 It didn't even have the headlights on.

9 Q Did the truck that was blocking the
10 roadway move?

11 A No, it did not move.

12 Q So it was still across the roadway when
13 the white box truck hit you?

14 A When I was sitting here, I could see
15 truck and grass.

16 Q Right.

17 A That's the only thing I -- that I can
18 remember to tell you. I still seen truck and I still seen
19 grass.

20 Q So you don't know whether or not the
21 tractor that was pulling the other tractor, if it had
22 moved in between the first collision and the second
23 collision?

24 A I could still see it. It was still

1 sitting right where it was when I hit it, is the best
2 knowledge I can tell you.

3 Q And to your knowledge was -- did the
4 white box truck hit the tractor that was across the
5 roadway?

6 A I don't know if it did or not. I know it
7 hit me.

8 Q Do you remember anything about what
9 happened to your body as a result of the second collision?

10 A You mean --

11 Q In other words, you were gripping the
12 steering wheel with both hands?

13 A Yes, sir.

14 Q What's the next memory you have?

15 A Getting in the ambulance.

16 Q Okay. And you have no memories in
17 between one and the other?

18 A No.

19 Q Do you know whether or not you actually
20 lost consciousness or if you just don't have any memory of
21 those events?

22 A I'm pretty sure I lost consciousness.

23 Q And if other people say you were standing
24 and talking and move -- you know, telling them all sorts

1 of facts about you and your life, you don't have any
2 memory of those things?

3 A I don't remember doing it.

4 Q But if you did you wouldn't have been
5 unconscious?

6 A Apparently if I was talking to them, but,
7 I mean, I don't remember doing it.

8 Q And the second call you made after the
9 accident, was that also to Eddie?

10 A Yes. Like I said, I don't know how the
11 call was made, but I know the call was made.

12 Q So you made the first call and said you
13 were in an accident, and he said he would call 911.

14 A Yeah.

15 Q And have you been told by Eddie what you
16 said in the second call?

17 A No. I just know it was two phone calls
18 made.

19 Q Did you talk to Eddie and tell him about
20 how the accident took place?

21 A No. He wasn't really concerned about it.
22 He just come to the hospital several times checking on me,
23 you know. He knows that I was hit by a box truck, you
24 know, but I try not to go in details with nobody about my

1 wreck because it ain't none of their business.

2 Q Did Eddie come to the hospital or did he
3 send somebody else?

4 A He sent two people to the hospital. When
5 I say he come to the hospital, I was in the hospital quite
6 a few days. He come to the hospital -- when he got off
7 work that evening he came.

8 Q Who came to the hospital that day?

9 A Patrick and Duane.

10 Q Patrick and Duane.

11 A Because they travel the same route that I
12 do to work. They go to Rockbridge, and they passed the
13 wreck, they seen my truck. They called Eddie, to my
14 knowledge, and Eddie told them to find out -- to talk to
15 one of the EMS workers, find out where I was, and go check
16 on me.

17 Q Are both Patrick and Duane still working
18 at Allegheny Construction?

19 A To my knowledge.

20 Q All right.

21 A They was when I left.

22 Q Do you recall any traffic on the
23 interstate behind your vehicle that may have passed you
24 before the box truck?

1 A No, sir.

2 Q Based on where you put the -- the
3 tractors, would there have been a way for a vehicle to get
4 by?

5 A No, sir.

6 Q Were there any mechanical defects in your
7 pickup truck?

8 A No, sir.

9 Q Now, you had a -- an enclosure over the
10 bed?

11 A It was a dog box.

12 Q A dog box.

13 A Yes.

14 Q And was the dog box still on your pickup
15 truck after the first collision?

16 A Yes.

17 Q In the back in the bed there was also a
18 toolbox?

19 A Yes.

20 Q And have you recovered any of those
21 tools?

22 A As in got them back?

23 Q Yes.

24 A No. Like it was stuff scattered

1 everywhere. I know some stuff was still in the toolbox,
2 but I don't know what all was in it. Like it was my
3 everyday driving truck. You know, I had like fishing
4 poles and everything put in it. I don't quite know to
5 tell you everything that was in it.

6 Q Have you gotten any of those tools back?

7 A No.

8 Q Has anybody told you that they have some
9 of those tools?

10 A No.

11 Q Now, you also had a hunter's radio set.
12 What's that?

13 A That's that CB radio I told you was in
14 the truck.

15 Q Were you able to recover that?

16 A It was busted up. It was mounted in the
17 truck like it was nailed into the dash, but it was busted
18 up.

19 Q What about the dog box? Were you able to
20 get that?

21 A It was busted up. It was made out of
22 wood. It was clamped on the truck. It was made out of
23 wood, and it was all busted up.

24 Q But the telephone that you had, you did

1 recover that?

2 A Yes.

3 Q And did it still work?

4 A It was busted. I have got a new phone
5 since then. The screen was busted in it.

6 Q All right. So the glass was broken on
7 it, but it still worked.

8 A Yeah. I used it for a while until I was
9 able to get me another phone.

10 Q Did that vehicle have cruise control on
11 it?

12 A My vehicle?

13 Q Yeah.

14 A No, sir.

15 Q And is it your testimony that the initial
16 impact was the -- what part, would the whole front of your
17 vehicle hit the middle of the tractor -- tractors across
18 the roadway?

19 A Yes, sir. The whole hood just kind of
20 curled in.

21 Q Okay. And it's my understanding that
22 you -- your testimony is you were traveling about 60
23 because you think, or it's your impression, that you need
24 to slow down as you approach the rest area.

1 A Yes, sir.

2 Q And that at the time of the initial
3 impact you had slowed down because you slammed on your
4 brakes and were doing about 30?

5 A I would say, yeah, around 30.

6 Q Did you ever see the two tractors move at
7 any point in time before or after you hit it?

8 A No, sir.

9 Q And it's your testimony that no other
10 traffic was even capable of going by the accident after
11 the first accident?

12 A No, sir.

13 Q Because both lanes were still blocked?

14 A Yes, sir. And to my knowledge I was out
15 of the road.

16 Q And the first call to your supervisor was
17 while you were still in the car?

18 A Yes, sir.

19 Q Did you attempt to roll the window down?

20 A No, sir.

21 Q Other than trying to open the door, did
22 you do anything else in an attempt to get out of the
23 vehicle?

24 A Not to my knowledge.

1 Q Did the trooper come and talk to you at
2 the hospital?

3 A I believe a trooper did. I don't think
4 it was that same trooper.

5 Q Some trooper did.

6 A Yes.

7 Q And did you tell him what happened?

8 A At that time, no.

9 Q Why is that?

10 A I was still in the emergency room, and I
11 was kind of clueless myself of what happened. I know he
12 wanted my grandmother's phone number, and he called her
13 and indicated to her I had been in a wreck.

14 Q But as far as giving him the facts of
15 what had happened, you didn't provide him with additional
16 information after that.

17 A I believe I talked to him some about it
18 but at that time I was still in shock from the wreck, and
19 I don't quite know what detail I went into.

20 Q In one of your answers to
21 interrogatories, the written questions that you answered,
22 you indicated that you braced and you tried to get out of
23 the car before the second impact.

24 A Yeah.

1 Q But that was two different -- you were
2 trying to get out, and then once you saw the headlights
3 coming, you then just braced?

4 A Kind of froze up.

5 Q Okay. There was also some indication --
6 did anyone ever tell you that you were to blame for this
7 accident?

8 A No.

9 Q And it's your best recollection that
10 there was no other vehicles in front of you or behind you
11 before the white van came to the scene?

12 A Best of my knowledge.

13 Q Had you made any stops between when you
14 left your grandmother's house and the accident?

15 A No, sir.

16 Q And if I understand, once you slammed on
17 your brakes, you were just attempting to make an emergency
18 stop. You weren't trying to turn one way or the other
19 way?

20 A I was trying to come to a complete stop
21 before I got to the roadblock.

22 Q And did you ever go back and look to see
23 if your vehicle left skid marks?

24 A I try to avoid that area if possible.

1 I've went past it a couple times going this way, but I
2 would not go that way.

3 Q So you have gone by the mile marker 158
4 going north, but not on the southbound side?

5 A And I try to not to go north at all.
6 Like when he takes me to my doctor's appointments I try
7 to -- like I don't like going past it.

8 Q You still have a driver's license?

9 A No, sir.

10 Q You don't have a driver's license?

11 A No, sir.

12 Q What happened to your license?

13 A Well, I was driving yesterday, and I went
14 through a I guess you call it a road check and they told
15 me my driver's license was suspended.

16 Q Do you know why it was suspended?

17 A They couldn't tell me, either. So we're
18 looking into that.

19 Q So prior to yesterday you thought you
20 still had a valid license?

21 A Yeah, and I've been driving here and
22 there, you know, like I drive -- I drive with Ashley. I
23 don't like driving much. Driving still freaks me out, but
24 I drive like short distance. I drove home from church

1 yesterday. So I drive short distances, you know, just
2 trying to get my driving back because it still freaks me
3 out when I pass vehicles and stuff. But to my knowledge I
4 had a driver's license or I wouldn't have been driving.

5 Q Okay. And which church did you go to
6 yesterday?

7 A One in Fincastle.

8 Q Which one?

9 A Like the Grace of God or something. I
10 went with Ashley.

11 Q Okay. But so you have driven since the
12 accident.

13 A I have driven several times.

14 Q All right. And have you driven the
15 interstate?

16 A No, I don't like driving the interstate.

17 Q Have you driven it all, is my question.

18 A No, I don't go on the interstate.

19 Q So you said you have been as a passenger
20 in a vehicle and driving on the interstate --

21 A Like Ashley and Kenny, but I don't want
22 nothing to do with driving the interstate.

23 Q All right. I asked you earlier if you
24 had ever been involved in any accidents as a driver, and

1 you told me about the two that you were involved in. Had
2 you ever been involved in any accidents as a passenger
3 prior to this accident?

4 A Not to my knowledge.

5 Q Do you remember the collision as far as
6 the impact or --

7 A The first collision or the second
8 collision?

9 Q Second collision.

10 A No, sir.

11 Q Do you remember anything about your being
12 transported from the accident to the hospital? You said
13 you remember --

14 A Yes, sir.

15 Q -- getting in the ambulance.

16 A Like at that time I think I was coming in
17 and out of it. I don't know if you call it unconscious or
18 if you call it was in shock. I don't quite know what you
19 would call it.

20 Q Do you have any other memories about the
21 trip from the -- being put into the ambulance and leaving
22 the scene and getting to the hospital?

23 A The best of my knowledge after that I
24 remember I was in this big room and it was like ten

1 doctors around me, like all these people surrounding
2 around me taking my clothes off and stuff.

3 Q Okay. Do you have any other -- other
4 than them being there, do you have any other --

5 A Putting all these sticky things on me and
6 working on me, I reckon.

7 Q As far as being in pain at that point in
8 time, do you have any recollection of that?

9 A I'm pretty sure I was just numb.

10 MR. FRANKL: With the proviso that I
11 guess when we get some additional employment
12 records that we may ask some additional
13 employment-related questions, and then we're
14 withholding damages and the Facebook
15 information, I think at this point in time I
16 don't have any questions.

17 Answer any questions that counsel may
18 have for you.

19 MS. ROBINSON: And I'm just going to grab
20 some more coffee, but, Dave, please go ahead.

21 MR. HEARN: Are you sure? Okay.

22 MS. ROBINSON: Johneal can -- I'll be
23 right back.

24 MR. HEARN: Okay.

EXAMINATION

BY MR. HEARN:

Q Brandon, my name is David Hearn. We met earlier.

A Yes, sir.

Q And I'm a lawyer from Richmond, and I'm going to ask you a few more questions, okay?

A Okay.

Q And I'm going to try not to repeat the same questions that Mr. Frankl has asked you. If I do, I apologize, but -- and I'm going to jump around a little bit, okay?

A Okay.

Q As you were approaching the area where the first collision occurred --

A Okay.

Q -- when you first saw the truck that you say was across the roadway --

A Yes, sir.

Q -- how far away was that truck from your vehicle?

A I'd probably say from 150, 200 yards.

Q Okay. That part of Interstate 81 South is -- is it pretty flat and straight right there?

1 A Kind of comes up on a rise. I wouldn't
2 call it a big hill, just kind of a rise and just kind of
3 slides down. And when I say 150, 200 yards, I mean like
4 my far sight as I could see, you know.

5 Q Were you at the top of that rise when you
6 first saw the truck that hit you?

7 A When I say rise, it really ain't a rise.
8 It's like right here and then -- if you are right here and
9 you are looking, you can't see all the way down through
10 the rest area, so I guess I would say yeah.

11 Q And it was dark out?

12 A It was -- yeah, it hadn't gotten daylight
13 yet.

14 Q And when you -- I want to make sure I
15 understand your testimony. When you first saw the truck
16 that was blocking both lanes of the highway in front of
17 you --

18 A My first instinct was hit the brakes.

19 Q When you first saw that vehicle did you
20 see any lights --

21 A No, sir.

22 Q -- activated on that vehicle?

23 A No, sir, I did not.

24 Q Did you see any lights, headlights, on

1 the vehicle that was towing the other vehicle?

2 A No, sir. I remember --

3 Q Hold on. Let me just ask you my next
4 question. Did you see any headlights on the vehicle that
5 was being towed that were active?

6 A No, sir.

7 Q Did you see any side or running lights on
8 the side of the vehicle that was towing the vehicle?

9 A That's what I was going to say. I don't
10 quite know if you would call it running lights. I would
11 call it reflectors. Like I seen -- I don't know if there
12 was like reflective stickers on the side. I could see the
13 truck and I could see something like down the side of it.
14 I don't know if you would call it like -- I know you see
15 tractor-trailers have like the little yellow lights on the
16 side? I don't know if it was them or if it was like
17 sticker reflectors, but I could see that.

18 Q I think what you are telling me is you
19 saw the reflection being created by your headlights
20 hitting --

21 A Yes.

22 Q -- the vehicle.

23 A Yes. So I don't know if it was lights or
24 if it was like reflection stickers.

1 Q But you don't remember any lights on the
2 top of the truck --

3 A No, sir.

4 Q -- active. You didn't see anything.

5 A No. As to what I'm telling you, if my
6 headlights was off of my vehicle, at that distance away I
7 wouldn't have been able to see. It was just like a big
8 black blotch up there.

9 Q Was your -- was your vehicle equipped
10 with an airbag?

11 A I think it was. I don't know. My truck
12 is at my grandpa and grandma's house, and I've looked at
13 it a couple times -- I try not to go around it -- but the
14 airbag was not deployed.

15 Q Okay. So if it had an airbag, you are
16 not aware of the airbag deploying --

17 A No.

18 Q -- in either collision.

19 A No, sir. It's still in the same -- if
20 there's one in it.

21 Q Okay. How do you know you slowed to
22 about 30 miles an hour before the impact occurred with the
23 truck ahead of you?

24 A I just have to estimate. I would say

1 it's what I have to tell you.

2 Q Are you basing that on the way the
3 vehicle felt to you at that moment?

4 A Pretty much, yes, sir.

5 Q Okay. But you weren't looking at the
6 speedometer.

7 A No, I was -- I was focused on what I'm
8 about to hit. Like I said, I was trying to coming to a
9 complete stop before I hit this object.

10 Q Did you ever observe the driver of the
11 truck that was across the roadway?

12 A Never seen the driver.

13 Q So you didn't see him inside the cab
14 doing anything?

15 A I was watching the truck, the one I was
16 about to hit.

17 Q Did you see anyone standing out on the
18 highway or around or near the truck before the first
19 collision occurred?

20 A I never seen anybody.

21 Q You said your brakes locked up when you
22 applied your brakes?

23 A To my understanding, yes.

24 Q Did you hear that?

1 A I remember hearing them sliding. I don't
2 know if they locked up or if they was just sliding because
3 the road was damp, but I know I did not come to a complete
4 stop.

5 Q At any time after this accident -- I mean
6 at any time -- have you ever spoken with anyone that you
7 understood to be a representative of one of the trucking
8 companies that's been sued named Salinas Express?

9 A Not to my knowledge.

10 Q Okay. Have you ever spoken to anyone
11 that you understood to be associated with the other
12 trucking company, SMC Transport?

13 A Not to my knowledge.

14 Q And I assume you've never spoken to
15 Mr. Martinez, who was the gentleman driving the truck?

16 A I don't even know who he is.

17 MR. HEARN: Okay. That's all my
18 questions. Thank you, Mr. Lester.

19 THE WITNESS: Yes, sir.

20 MR. HEARN: Mr. Dunn, who is seated here
21 to my left, may have some questions for you.

22 THE WITNESS: Yes, sir.

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EXAMINATION

BY MR. DUNN:

Q Mr. Lester, have you gone by any other names besides Brandon Clark Lester?

A No, sir.

Q And I understand that the reason why you have the last name Lester is because you were adopted around 4 years old?

A Yes, sir.

Q And I understand you currently don't have much contact with Ronnie Lester at all.

A No, sir.

Q Is there a reason why you continue to keep the last name Lester?

A If I could change it to my grandfather's name, I would. I just never really looked into it. I didn't know that I could.

Q Just didn't really think about it?

A Well, his last name is Clark. My middle name is Brandon Clark Lester. I think I had another middle name before it changed to Lester. I don't quite know what it was. So I've always been Brandon Clark Lester. So it's kind of like I had two last names, I guess you would say.

1 Q All right. And I understand prior
2 testimony, you said between 2010 you graduated from high
3 school up until about 2012 -- well, take you back. 2012
4 was the time you had your first job with Mohawk, correct?

5 A Yes, sir.

6 Q Between 2010 when you graduated from high
7 school up until that first job with Mohawk, what you do
8 you do?

9 A Just pretty much stayed at my
10 grandmother's house. I had a very rough time after my
11 grandfather passed away dealing with his death. So I
12 wasn't -- my grandmother was -- she had an understanding
13 what I was going through. She kind of helped me out, you
14 know, with stuff I needed.

15 Q Now, talking about your job with
16 Allegheny Construction, I understand that you said you had
17 to be there in Garden City at a certain time?

18 A Well, Eddie liked everybody to be there
19 early. A lot of people didn't show up early like they was
20 supposed to. Your job started at 7. But like to get
21 there early, you know, start the machines, get everything
22 out of the building ready for the day. So I always woke
23 up early. Like I say, I took a shower and got ready for
24 work. I always left early. Sometimes I was there right

1 when Eddie got there, you know, and I would help him get
2 everything ready.

3 Q What time did Eddie like you guys to be
4 there at Garden City?

5 A He liked everybody there by 6:30, but I
6 usually got there before. He usually got there around 6.

7 Q Did you ever get there after 6:30?

8 A Usually I was there well before.

9 Q Okay. What would happen if you got there
10 at Garden City after 6:30?

11 A Nothing. You really didn't have to be
12 there until 7, but he liked, you know, us to go on the
13 road there, you know. A lot of people showed up right at
14 7, but he kind of turned a nose up to that. So I was
15 always there on time every day early.

16 Q And the lady you are currently dating is
17 Ashley Monroe?

18 A Yes.

19 Q And you said she's going to nursing
20 school?

21 A Yes.

22 Q What school is that?

23 A GPCI or something. GIP or something. Do
24 you know which one it is? It's here in Roanoke.

1 Q All right. And you said -- do you know
2 her address?

3 A No.

4 Q Okay. Is there --

5 A I wouldn't call it we're in a serious
6 relationship. We've just been talking for about a month
7 and a half, I guess. We ain't really serious serious at
8 this point.

9 Q That's my next question. How far are you
10 along with that?

11 A Like we just started dating. Like she is
12 doing through a divorce, so I haven't got too far involved
13 with it. You know, we've gone out a few times. She did
14 bring me up here today. She has helped me go to a couple
15 doctor's appointments.

16 Q So you guys aren't engaged, are you?

17 A No. She's still legally married. She's
18 going through a divorce.

19 Q Okay. You haven't gotten her a ring or
20 anything like that, have you?

21 A No.

22 Q You said you changed your cell phone
23 number since the date -- since the accident.

24 A Yes.

1 Q Why did you change your cell phone
2 number?

3 A I got tired of people -- it may be rude
4 that I done that, but like when I was in the hospital, so
5 many people kept calling and checking on me. I was in so
6 much pain like I just got overwhelmed with it.

7 Q Same service operator though, right?

8 A Yeah, I just called them and asked them
9 to change my phone number. I called U.S. Cellular and I
10 just give them -- they gave me a new phone number.

11 Q The phone that you had during -- right
12 after the first impact, you made some phone calls on that
13 cell phone, correct?

14 A Yes.

15 Q And was it a speed dial number, or is it
16 something you had to punch the numbers into?

17 A I think it was in my contacts.

18 Q Okay. But in order to make the phone
19 call to Eddie right after the first impact, did you take
20 the phone out and had to dial the numbers or --

21 A No.

22 Q What would happen?

23 A He was in my call log. Like we talked
24 all the time. We usually talked every evening when we got

1 off work. He was like the second person on my call log.

2 Q All right.

3 A I just kind of hit send and hit the
4 button. You know like you can hit send on all your recent
5 calls is there? And that's kind of just click on the
6 name.

7 Q And that's what you did?

8 A Yes, sir.

9 Q And you remember doing that?

10 A Well, the call was made, that's how it
11 had to be made, because like it was in my call log.

12 Q But my question is do you remember
13 pulling up your dial log and then hitting the number
14 there?

15 A Yes, I remember calling him. Yes, I
16 remember calling him. I did not dial his number. I went
17 in the call log and hit the button, yes, sir.

18 Q Do you remember what color the tractor or
19 the truck that was in front of you, what color was?

20 A I would believe green. If I had to say I
21 would say green.

22 Q Were both the trucks the same color?

23 A No, I don't remember what the other one
24 was. I don't think they were the same color.

1 Q Okay.

2 A It was dark in color. It was either -- I
3 would have to say green.

4 Q I know that Mr. Hearn already asked you
5 whether you talked with anyone that you believe is
6 associated with SMC Transport, LLC, and you said no.

7 A Not to my knowledge.

8 Q Did you overhear anybody that may have
9 been associated with SMC Transport talk? Any statements
10 from anybody that may have been associated with SMC
11 Transport?

12 A No.

13 Q Did you attempt to contact anybody from
14 the trucking companies?

15 A No, sir. At the time I didn't even know
16 who the trucking company was, you know.

17 Q When is the last time you had that Toyota
18 Tacoma inspected, the one that was in the accident?

19 A It was inspected when I bought it.

20 Q When did you buy it?

21 A June of 2015.

22 Q And do you know what the inspection
23 sticker said on it?

24 A I don't think it run out until like the

1 next year, because the guy I bought it from, the car lot,
2 he gets all of his vehicles inspected before he sells
3 them. So I would have say June, June again.

4 Q Do you know either way, whether it was a
5 June inspection sticker on there?

6 A Don't they last a whole year?

7 Q Okay.

8 A It had a new inspection sticker on it
9 when I bought it.

10 Q And is that Toyota Tacoma still at your
11 grandmother's house?

12 A To my knowledge, yes.

13 Q What's that?

14 A To my knowledge, yes.

15 Q Okay. Have you seen the -- that Toyota
16 Tacoma since the accident?

17 A Yes. It's setting in the middle of her
18 yard.

19 Q Okay. Do you know whether it's been
20 changed or not since -- any damage done to it since the
21 accident?

22 A Ain't nobody touched it. I walked out
23 there and looked at it. I didn't want to mess with it
24 because it kind of hurt me to look at it, you know, like

1 where I was -- tore up really bad, but I walked out there
2 and looked at it, but ain't nobody touched it.

3 Q Did you look in there to see if there was
4 any of your materials in there or any of your personal
5 items in there?

6 A Kenny Sloan did.

7 Q I'm sorry?

8 A Kenny Sloan did.

9 Q Did he open the door to get in there to
10 get them out or --

11 A He didn't do that at my grandmother's
12 house. He done that the day of the wreck when it was at
13 the towing company. The guy at the towing company took
14 him out back, and he got my stuff out of it. And when I
15 say he got my stuff out of it, he got the stuff out of the
16 glove box like all my insurance stuff.

17 Q Were the windows -- well, as the Toyota
18 now stands there in your grandmother's house and yard, are
19 the windows all still intact or --

20 A The windshield is still intact, it's just
21 really spider webbed. And then the two side doors, I
22 don't know if they -- they ain't in there. I don't know
23 where they are, if they -- they ain't in there. And the
24 back glass is laying in the back of the bed, the frame in

1 there twisted with the glass in it.

2 Q Do you know what happened to the windows
3 on the side, the glass?

4 A I guess busted, because glass was
5 everywhere. It was all in the seat and the floorboard,
6 some in the back of the truck.

7 Q I'm not asking you to guess. Do you know
8 what happened to those windows?

9 A They busted. I mean --

10 Q At some point in time.

11 A Yeah.

12 Q Do you know whether they were busted in
13 the accident or not?

14 A They had to have.

15 Q I'm asking you do you know personally --

16 A No --

17 Q -- do you know --

18 A -- I didn't watch them bust. I mean, got
19 in the truck somehow. I didn't watch them bust.

20 Q They could have been busted when they
21 were towed to someplace, right?

22 A When the truck got to my grandmother's
23 house, they was not intact is all I can tell you. The
24 first time I seen the truck after my wreck.

1 Q So the windows could have been busted --
2 the side windows could have been busted in the towing
3 process after the accident, correct? I mean, you
4 weren't --

5 A I guess. I wasn't responsible for that.
6 I wasn't there. So I can't answer that.

7 MR. DUNN: Okay. Thank you.

8 THE WITNESS: Yes, sir.

9 MR. FRANKL: I just have one follow-up.

10 THE WITNESS: Yes, sir.

11 EXAMINATION

12 BY MR. FRANKL:

13 Q You were on the phone or made the call to
14 Eddie --

15 A Yes, sir.

16 Q -- and you hung up before the second
17 impact?

18 A Yes, sir.

19 Q And then do you know how you maintained
20 control of your phone to make another call after the
21 accident to him?

22 A No, sir, I don't.

23 MR. FRANKL: I don't have any other
24 questions.

1 MS. ROBINSON: Okay. He will read and
2 sign.

3 MR. FRANKL: Thank you so much.
4 Appreciate you being here.

5 THE VIDEOGRAPHER: Off the record at
6 12:18.

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WITNESS SIGNATURE PAGE

I hereby certify that I have read my deposition,
made changes and/or corrections as I deem
necessary and approve the same as now written.

Executed this _____ day of _____, 2016.

Brandon C. Lester

* * * * *

C E R T I F I C A T E

COMMONWEALTH OF VIRGINIA

CITY OF ROANOKE

I, MARY J. BUTENSCHOEN, RPR, Notary Public in and for the Commonwealth of Virginia, at Large, do hereby certify that the deposition of BRANDON C. LESTER was by me reduced to machine shorthand in the presence of the witness, afterwards transcribed by me by means of computer, and that to the best of my ability the foregoing is a true and correct transcript of the deposition so given as aforesaid.

I further certify that this deposition was taken at the time and place specified in the foregoing caption.

I further certify that I am not a relative, counsel or attorney for either party, or otherwise interested in the outcome of this action.

IN WITNESS WHEREOF, I have hereunto set my hand at Roanoke, Virginia, on the 29th day of April 2015.

MARY J. BUTENSCHOEN, RPR
NOTARY PUBLIC

My Commission expires May 31, 2016
Notary Registration Number 228402

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To: Brandon C. Lester DATE: April 29, 2016
Via Glenn Robinson & Cathey DEPO: April 11, 2016

Re: Brandon Lester v. SMC Transport, et al.

Dear Mr. Lester:

At the time your deposition was taken it was indicated that you would like to exercise your right to read and sign the deposition transcript. Please do so at this time and make any changes or clarifications you deem appropriate. However, do NOT write on the transcript from which you are reading. Simply write the page and line number on the enclosed Errata Sheet along with any corrections.

Upon completion, sign the Errata sheet and the signature line on Page 129 of the Original transcript and return the contents your attorney, Ms. Robinson.

Thank you for following these instructions.

Sincerely,

Mary J. Butenschoen, RPR
Court Reporter

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